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COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

[REDACTED]

**PRESS RELEASE**  
10381/82 (Presse 145)

796th Council meeting

- Justice -

Conference of the Ministers of Justice  
meeting within the Council

Luxembourg, 25 October 1982

President: Mr Erik NIN-HANSEN,  
Minister of Justice  
of the Kingdom of Denmark

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium

Mr Jean GOL  
Deputy Prime Minister  
Minister of Justice and  
Institutional Reform

Germany

Mr Hans ENGELHARD  
Federal Minister of Justice

France

Mr Robert BADINTER  
Minister of Justice

Italy

Mr Clelio DARIDA  
Minister of Justice

Netherlands

Mr J. de RUITER  
Minister of Justice

Denmark

Mr Erik NINN-HANSEN  
Minister of Justice

Mr Niels MADSEN  
State Secretary,  
Ministry of Justice

Greece

Mr George MANGAKIS  
Minister of Justice

Ireland

Mr Sean DOHERTY  
Minister of Justice

Luxembourg

Miss Colette FLESCH  
Vice-President of the  
Government  
Minister of Justice

United Kingdom

Mr Peter FRASER  
Solicitor General for Scotland,  
Lord Advocate's Department

Commission

Mr Karl-Heinz NARJES  
Member

CONSOLIDATION OF COMMUNITY LAW

The Council discussed the question of the consolidation of Community law. It heard a statement from the Commission on the work carried out on the matter since 1974 and the Commission's intention of submitting proposals on the matter to the Council. Following its exchange of views the Council adopted the following statement:

"The Council of the European Communities,

- recalling the resolution on the consolidation of Community law made by the Council at its 315th meeting on 26 November 1974 as well as the statement on consolidation made by the Council at its 537th meeting on 9 October 1978;
- noting the statement of the Commission on the state of progress achieved since 1978, and its intentions in respect of the work to be carried out in the future, in the field of consolidation of Community law,
- reconfirming the importance it attaches to the consolidation of Community law in order to improve its accessibility,
- noting that legislative consolidation presents advantages as compared with the publication of co-ordinated versions intended merely for information,
- urges the Commission to intensify its work to submit proposals on consolidated texts,
- reconfirms its undertaking to examine those proposals as quickly as possible without bringing into question the substance of the texts."

PROTOCOL ON THE INTERPRETATION BY THE COURT OF JUSTICE OF THE ROME  
CONVENTION ON THE LAW APPLICABLE TO CONTRACTUAL OBLIGATIONS

When, at a Council meeting of Ministers of Justice held in Rome on 19 June 1980, the Rome Convention on the law applicable to contractual obligations was opened for signature the representatives of the Governments of the Member States adopted a joint declaration annexed to the Rome Convention according to which the Governments declared themselves ready to examine the possibility of conferring jurisdiction for the interpretation of the Convention on the Court of Justice of the European Communities and, if necessary, to negotiate an agreement to this effect.

The Ministers of Justice examined the possibility of drawing up such an agreement on the basis of a proposal whereby certain powers would be conferred on the Court. Some progress was made in the discussions and the Ministers of Justice decided to ask the Permanent Representatives Committee to continue their efforts to reach agreement, account being taken of the proposals made at the meeting of the Ministers of Justice.

EXTENSION OF THE CONVENTION ON JURISDICTION AND ENFORCEMENT OF  
JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

The Representatives of the Governments of the Member States meeting within the Council signed the Convention on the accession of the Hellenic Republic to the 1968 Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters and to the 1971 Protocol on its interpretation by the Court of Justice with the adjustments made to them by the 1978 Convention on the Accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland.

It will be remembered that in accordance with Article 3(2) of the Act concerning the accession of the Hellenic Republic to the European Communities, Greece undertook to accede to the Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, concluded under Article 220 of the EEC Treaty, and to the 1971 Protocol on its interpretation by the Court of Justice, and to this end it undertook to enter into negotiations with the other Member States in order to make the necessary adjustments thereto. These negotiations began in December 1981 and culminated in the Accession Convention signed today.

The Brussels Convention, which was concluded in 1968 between the original Member States of the European Community, is in force. It is accompanied by a Protocol on the interpretation of the Convention by the Court of Justice concluded in 1971, which is also in force between the original Member States. Denmark, Ireland and the United Kingdom acceded to the Convention and the Protocol by a Convention of 1978 which is in the process of being ratified; an exchange of information among the Ministers of Justice showed that prospects were good for an early entry into force of that Convention.

25.X.82

The aim of the 1968 Convention is to simplify the necessary formalities for the mutual recognition and enforcement of judgments. To this end the Convention lays down in the first place the rules of jurisdiction as regards the tribunal to which civil and commercial matters should be referred.

It then lays down a procedure which is simplified, as compared with traditional rules, and rapid, because it is not adversary in the initial stage, for the enforcement of judgments delivered in another Member State.

However, in the event of non-enforcement or substantive opposition by the party against whom enforcement is sought, more structured proceedings intended to offer maximum guarantees and thus of an adversary nature are provided for.

The Brussels Convention and the Protocol have both acquired considerable practical importance: hundreds of judgments based on the Convention have been delivered in the Member States and a series of judgments by the Court has settled fundamental questions of its interpretation.

The accession of Greece to the 1968 Convention and to the 1971 Protocol will achieve the enlargement of the Community in an important field for the citizen and the exercise of his rights.

ADMINISTRATIVE TRIBUNAL FOR DISPUTES BETWEEN THE INSTITUTIONS AND THEIR STAFF

The Council held an exchange of views on the establishment of a body of first instance to deal with disputes between the Community institutions and their staff, the main function of which will be to lighten the workload of the Court of Justice in this type of dispute.

At its meeting on 26 November 1974, the Council of Ministers of Justice agreed in principle that it would be desirable to create a Court of first instance which would rule on disputes between the Institutions and their staff and invited the Commission to submit appropriate proposals or drafts.

The Commission presented a proposal for a Regulation on the matter on 4 August 1978.

The Council today examined this proposal and, in view of the difficulties encountered, a proposal from the Presidency to set up an administrative appeal board which would give binding decisions under the supervision of the Court of Justice. The Council referred the Presidency's proposal to the Permanent Representatives Committee for further examination, in particular of its financial implications, and to enable the opinion of the staff representatives to be obtained.

RATIFICATION OF THE LUXEMBOURG CONVENTION ON THE COMMUNITY PATENT

Having heard a Commission statement on the ratification of the Luxembourg Convention on the Community patent, the Ministers of Justice held an exchange of information on the progress procedures for ratifying this Convention in the Community Member States.

PROPOSAL FOR A BANKRUPTCY CONVENTION

The Ministers of Justice noted a Commission statement on the proposal for a Bankruptcy Convention.

APPROXIMATION OF LAWS UNDER THE EUROPEAN ACT

The Ministers of Justice noted a statement by the German delegation on the approximation of laws under the European Act.

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The Ministers of Justice proposed to meet in future at closer intervals than in the past.

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At the end of the meeting the Ministers for Justice discussed questions relating to political co-operation.



Bruxelles, le 22 octobre 1982  
Note Bio (82) 446 aux Bureaux nationaux  
cc aux Membres du Groupe du Porte Parole

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Objet : Preparation Conseil/Conference des Ministres de la  
Justice (O. von Schwerin)

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La Conference des Ministres de la Justice debutera le 25  
octobre, 10 heures, a Luxembourg.

La matinee, les ministres traiteront notamment des questions  
de competence communautaire, comme

- Codification du droit communautaire (mise a jour et  
amelioration de la transparence du Journal officiel).

- Proposition de reglement pour l institution d un Tribunal  
administratif (projet qui vise a decharger la Cour de Justice  
des questions et plaintes du personnel des institutions  
communautaires).

- Des declarations de la Commission concernant, d une part, la  
convention d un brevet communautaire (1974) en vue d eclairez le  
processus de ratification par les parlements nationaux ainsi que  
sur la convention sur les faillites (1979) afin d eclairez les  
travaux au Conseil.

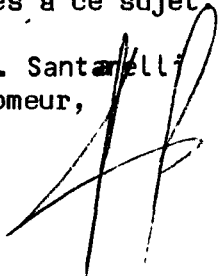
- Enfin, la delegation allemande fera une declaration sur l  
Acte europeen.

A midi, une rencontre avec les representants de la Cour de  
Justice est prevue.

L apres midi est reservee a des travaux relevant plus  
particulierement de la cooperation politique. Il y aura  
notamment une discussion sur le projet d un "espace judiciaire  
europeen". Dans ce contexte, M Narjes attirera l attention des  
Ministres sur l importance de la resolution du Parlement  
europeen du 9 juillet 1982 et du rapport Tyrell qui a trait a la  
protection de la societe contre les atteintes a l ordre public  
et a la securite resultant des activites terroristes et des  
autres actes criminels (voir J.O.C 238 du 13 septembre 1982).

Etant donne qu il s agit d une matiere plutot delicate, qui  
est consideree de decouler principalement de la competence de la  
cooperation politique, nous n avons pas donne de commentaires  
supplementaires a ce sujet.

Amities, M. Santarelli  
17.00 h, Comeur,  
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A L'ATTENTION DU PORTE PAROLE DE LA COMMISSION A BRUXELLES  
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LUXEMBOURG LE 25 OCTOBRE 1982  
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NOTE BIO (82) 442 SUITE 1  
AUX BUREAUX NATIONAUX  
CC AUX MEMBRES DU GROUPE  
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CONSEIL CONFERENCE DES MINISTRES DE LA JUSTICE  
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1.  
SUR LA CODIFICATION DU DROIT COMMUNAUTAIRE; M. NARJES A FAIT LE POINT DE LA SITUATION : DANS LE DOMAINE AGRICOLE; POUR LE BLE; LE RIZ; AINSI QUE POUR LES FRUITS ET LEGUMES LES TRAVAUX ONT ETE TERMINEES. DANS L'AVENIR LES REGLEMENTS CONCERNANT LA SECURITE SOCIALE DEVRAIENT AVOIR PRIORITE. TOUT EN SOULIGNANT LA NECESSITE DE CES TRAVAUX; M. NARJES A DEMANDE QUE CEUX CI NE DONNENT PAS LIEU A DES MODIFICATIONS MATERIELLES.

4.  
(DE L'OJ) PROCEDURE DE RATIFICATION DE LA CONVENTION SUR LA COMPETENCE JUDICIAIRE : LES SIX ETATS MEMBRES N'AYANT PAS ENCORE RATIFIE CETTE CONVENTION; ONT PROMIS DE LE FAIRE DANS LES MEILLEURS DELAIS; SANS S'ENGAGER QUANT A LA DATE.

5.  
DE L'OJ ) : TRIBUNAL ADMINISTRATIF :  
LE PRESIDENT DE LA COUR DE JUSTICE A INSISTE SUR L'IMPORTANCE DE LE DECHARGER DE SES RESPONSABILITES EN LA MATIERE. LA PLUPART DES ETATS MEMBRES L'ONT SOUTENU; SEULE LA FRANCE A AVANCE DES OBJECTIONS DE CARACTERE INSTITUTIONNEL. LE DOSSIER A ETE RENVOYE AU COREPER AVEC UNE PROPOSITION DE COMPROMIS DE LA PRESIDENCE DANOISE.

6.  
(DE L'OJ) : LES DEUX DECLARATIONS DE M. NARJES CONCERNANT D'UNE PART; L'URGENCE POUR LES TROIS ETATS MEMBRES QUI NE L'ONT PAS ENCORE FAIT; D'ACCELERER LE PROCESSUS DE RATIFICATION; ET D'AUTRE PART; LA CONVENTION SUR LES FAILLITES; ONT ETE ACCUEILLIES FAVORABLEMENT. ENSUITE; L'ON A PROCEDE A LA SIGNATURE DE LA CONVENTION RELATIVE A L'ADHESION DE LA REPUBLIQUE DE LA GRECE CONCERNANT LA COMPETENCE JUDICIAIRE. LA REUNION DE L'APRES MIDI A ETE CONSACREE AUX QUESTIONS DE LA COOPERATION POLITIQUE; NOTAMMENT DU PROBLEME DE L'ESPACE JUDICIAIRE EUROPEEN. LA REUNION N'ETANT PAS ENCORE TERMINEE; JE VOUS COMMUNIQUERAI LA SUITE ULTERIEUREMENT.

AMITIES

O VON SCHWERIN



Bruxelles, le 26 octobre 1982

Note Bio (82)446, Suite 2 et fin, aux Bureau nationaux  
CC aux Membres du Groupe du Porte Parole

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CORRIGENDEM : La Note Bio (82) 442, Suite 1, doit porter le  
numero : 446, Suite 1.

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CONSEIL/CONFERENCE DES MINISTRES DE LA JUSTICE (O. VON  
SCHWERIN)  
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Le Ministre français de la Justice, M. Badinter, a presente ses propositions visant a renforcer la cooperation en matiere judiciaire au sein de la Communaute afin notamment de combattre le terrorisme international.

Dans ce but, il a propose, d'une part, la revision et l'adaptation des regles concernant l'extradition et, d'autre part, la creation d'une Cour penale europeenne qui devrait fonctionner comme instance subsidiaire.

Sans qu'il n'y ait eu de discussions approfondies de ces propositions, certaines delegations se sont montrees assez reservees en se referant aux conventions existantes et notamment l'accord de Dublin, signe par les Neuf en decembre 1979 mais pas encore ratifie par la plupart des pays membres.

M Narjes a attire l'attention des Ministres sur la resolution du Parlement europeen du 9 juillet 1982 concernant l'espace judiciaire europeen qui traite de ce meme probleme et demande a la Commission d'elaborer des directives concernant des principes communs pour l'extradition des terroristes et l'assistance juridique en matiere penale.

En resumant le debat, la Presidence a demande aux delegations de reflechir sur les propositions francaises jusqu'a la prochaine reunion des Ministres de la Justice, qui devrait avoir lieu apres un intervalle moins long que jusqu'ici et au maximum apres un an.

Amities, P. CERF  
12.30 h, Comeur////



