



Malta-EU Steering & Action Committee

## Examining the rules on jurisdiction and the recognition and enforcement of judgements

### ***The Green Paper reviewing Regulation (EC) 44/2001***

*Briefing and consultation session for Stakeholders*

12<sup>th</sup> August 2009

Dear Sir/Madam,

The Brussels I Regulation (Council Regulation (EC) 44/2001) lays down rules governing the jurisdiction of the courts and the recognition and enforcement of judgements in civil and commercial matters. In April the European Commission adopted a Green Paper on the review of the Regulation and launched a broad consultation on possible ways to improve its operation with respect to particular matters listed therein.

The Green Paper addresses, *inter alia*, industrial property with the aim of identifying the short comings in the *lis pendens* rule<sup>1</sup> when there are pending parallel proceedings before courts of different states regarding the same patent. The Commission is requesting contributions with respect to how these short comings can best be addressed. In the Green Paper, the Commission proposes a number of possible solutions.

Furthermore, the Commission is seeking comments on the possible partial deletion of the exclusion of arbitration from the scope of the Regulation. To this effect the Commission is requesting proposals on appropriate actions which could be taken at Community level in order to strengthen the effectiveness of arbitration agreements; ensure a good coordination between judicial and arbitration proceedings; and enhance the effectiveness of arbitration awards.

In this context, MEUSAC, in collaboration with the Office of the Attorney General within the Ministry for Justice and Home Affairs, is organising a briefing and consultation session for stakeholders on the issues involved, the current discussions taking place, and developments to be expected in the near future.

The session is being held as follows:

**31 August 2009**

**Time: 1030 – 1230 hrs**

**Registration: 1015 hrs**

**Venue: 254, Europe House, St Paul Street, Valletta**

<sup>1</sup> The *lis pendens* rule requires that, where proceedings involving the same cause of action and between the same parties are brought in the courts of different Member States, any court other than the court before which the case was first brought shall suspend its proceedings until such time as the jurisdiction of the first court is established.



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The session should be of particular interest to all operators involved in the field of international commerce particularly those involved in international arbitration, and the industrial property sector, including:

- Importers
- Distributors
- Holders of industrial property rights
- Professionals in the sector
- Business organisations and other associations representing these interests

The main speaker will be Dr Marvic Sciberras Abdilla from the Office of the Attorney General. Dr Sciberras Abdilla will deliver a presentation outlining the current state of play as well as the changes proposed in the Green Paper. There will also be time for discussion and questions from participants. The Green Paper may be accessed through the following link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0175:FIN:EN:PDF>

Participation is free of charge. Registration is highly recommended in view of seating restrictions and should reach MEUSAC offices by not later than noon of Friday 28<sup>th</sup> August 2009 on email address [consult.meusac@gov.mt](mailto:consult.meusac@gov.mt). For further details and assistance on this event, kindly contact Mr Brian Pace at the abovementioned address.

Best regards,

**Julian Micallef**  
**A/Head – Consultation Unit**  
**MEUSAC**