



869-2 – LUG 2/16

**Notification to the Parties of the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters, concluded at Lugano on 30 October 2007**

**Modifications of Annexes I to IV and IX of the Convention**

On 23 March 2016, the European Union, pursuant to Article 77(1) of the Convention, informed the Depositary about amendments to the lists set out in Annexes I to IV and, pursuant to Article 77(2) of the Convention, requested that Annex IX be amended, as follows:

«[Annex I

The rules of jurisdiction referred to in Article 3(2) and 4(2) of the Convention are the following:]

- in the Czech Republic: Act No 91/2012 on private international law (*Zákon o mezinárodním právu soukromém*), in particular, its Article 6,
- in Estonia: Article 86 (jurisdiction at the location of property) of the Code of Civil Procedure (*Tsiviilkohtumenetluse seadustik*), insofar as the claim is unrelated to that property of the person; Article 100 (claim for termination of application of standard terms) of the Code of Civil Procedure, insofar as the action is to be lodged with the court in whose territorial jurisdiction the standard term was applied,
- in Cyprus: Art. 21 of the Law on Courts, Law 14/60,
- in Latvia: paragraph 2 of Article 27 and paragraphs 3, 5, 6 and 9 of Article 28 of the Civil Procedure Law (*Civilprocesa likums*),
- in Lithuania: Articles 783(3), 787 and 789(3) of the Code of Civil Procedure (*Civilinio proceso kodeksas*),
- in Portugal: Article 63(1) of the Code of Civil Procedure (*Código de Processo Civil*) in so far as it may encompass exorbitant grounds of jurisdiction, such as the courts for the place in which the branch, agency or other establishment is situated (if situated in Portugal) when the central administration (if situated in a foreign State) is the party sued and Article 10 of the Code of Labour Procedure (*Código de Processo do Trabalho*) in so far as it may encompass exorbitant grounds of jurisdiction, such as the courts for the place where the plaintiff is domiciled in proceedings relating to individual contracts of employment brought by the employee against the employer,
- in Romania: Articles 1065-1081 under Title I "International jurisdiction of Romanian courts" in Book VII "International civil procedure" of Act No 134/2010 on the Code of Civil Procedure,

The entry for Belgium in Annex 1 should be deleted.

[Annex II

The courts or competent authorities to which the application referred to in Article 39 of the Convention may be submitted are the following:]

- in the Czech Republic: the "*okresní soud*",
- in Hungary: the "*törvényszék székhelyén működő járásbíróság*" and, in Budapest, the "*Budai Központi Kerületi Bíróság*",
- in Portugal: "*instâncias centrais de competência especializada cível, instâncias locais, secção competência genérica*" or "*secção cível*", if the latter exists, of the "*tribunais de comarca*". In the case of maintenance obligations towards children (under the age of 18 or above) more and in the case of maintenance obligations between spouses, the "*secções de família e menores das instâncias centrais*" or, where none exists, the "*secções de competência genérica*" or "*secção cível*", if the latter exists, of the "*instâncias locais*". For the remaining maintenance obligations arising from other family relations, parentage or affinity, "*secções de competência genérica*" or "*secção cível*", if the latter exists, of the "*instâncias locais*",
- in Sweden, "*tingsrätt*",
- in the United Kingdom:
  - a) in England and Wales, the High Court of Justice, or in the case of a maintenance judgment, the Family Court on transmission by the Secretary of State,

[Annex III

The courts with which appeals referred to in Article 43(2) of the Convention may be lodged are the following:]

- in the Czech Republic: the "*okresní soud*",
- in Hungary: the "*törvényszék székhelyén működő járásbíróság*" (in Budapest, the "*Budai Központi Kerületi Bíróság*"); the appeal is adjudicated by the "*törvényszék*" (in Budapest, the "*Fővárosi Törvényszék*"),
- in Malta, the "*Qorti ta' l-Appell*", in accordance with the procedure laid down for appeals in the "*Kodiċi ta' Organizzazzjoni u Proċedura Ċivili - Kap.12*" or, in the case of a maintenance judgment by "*rikors ġuramentat*" before the "*Prim'Awla tal-Qorti Ċivili jew il-Qorti tal-Maġistrati ta' Għawdex fil-ġurisdizzjoni superjuri tagħha*",
- in Sweden: "*tingsrätt*",
- in the United Kingdom:
  - a) in England and Wales, the High Court of Justice, or in the case of a maintenance judgment, the Family Court,

[Annex IV

The appeals which may be lodged pursuant to Article 44 of the Convention are the following:]

- in Ireland, an appeal on a point of law to the Court of Appeal,
- in the Czech Republic: a "*dovolání*", a "*žaloba na obnovu řízení*" and a "*žaloba pro zmatečnost*",
- in Latvia: an appeal to the "*Augstākā tiesa*", via the "*Apgabaltiesa*",
- in Romania: a "*recursu*",
- in Sweden, an appeal to the "*hovrätt*" and "*Högsta domstolen*",

[Annex IX

The States and the rules referred to in Article II of Protocol 1 are the following:]

- Croatia: Article 211 of the Civil Procedure Act (*Zakon o parničnom postupku*), [to be added after the entry for Estonia]
- Lettonie: Articles 75, 78, 79, 80, 81 of the Civil Procedure Law (*Civilprocesa likums*) concerning third-party notices,»

The European Union informed that the amendments relating to its Member States to the lists set out in the Annexes were made necessary following Commission Regulation (EU) No 2015/263 of 16 January 2015, entered into force on 11 March 2015 and Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012, entered into force on 9 January 2013 and into application on 10 January 2015.

According to Article 77(1) and (2) of the Convention, the Standing Committee, pursuant to Article 4 of Protocol 2, was consulted and, by a written procedure which lasted until 10 May 2016 (see notification LUG 1/16 of 8 April 2016), accepted the modifications of Annexes I to IV and adopted the modifications of Annex IX. These modifications were not subject to any opposition within the deadline; only the European Union added some linguistic clarifications, which are already integrated in the abovementioned texts.

Pursuant to Article 77(1) *in fine*, the Contracting Parties shall provide a translation of the adaptations into their languages. The Depositary wishes to receive these translations **whenever possible until 1 September 2016 at the latest**, by E-mail to [staver@eda.admin.ch](mailto:staver@eda.admin.ch), to be able, without further notification, to adapt the Annexes concerned in all languages of the Convention.

The Swiss Federal Council makes the present notification in its capacity as Depositary ([www.eda.admin.ch/depositary](http://www.eda.admin.ch/depositary)) and according to article 78 of the Convention.

Bern, 27 May 2016

