



**Словенија-Брдо код Крања, 15. април 2011,
Регионална министарска конференција
(Панел трећи, део други - ``Друге регионалне иницијативе за
ближу сарадњу``)**

**Иницијатива Министарства правосуђа Републике Словеније,
у вези са приступањем Луганској конвенцији или изради регионалне
конвенције**

"In 2008, the Republic of Slovenia, on the basis of certain informal conversations, presented to the European Commission an initiative in the field of judicial cooperation in civil and commercial matters.

The initiative was, as follows :

In the external dimension of the EU, candidate countries and potential candidate countries are the central and the most important issue. This is a group with a very clear EU membership perspective and is, in a way, a temporary, transitional group. The candidate countries must meet certain conditions to be able to become EU Member States. The EU provides them with help in the form of dialogues and various support programmes. We wish to draw special attention to the Western Balkan region.

For the majority of these countries, the main legal basis for cooperation with the EU is the Stabilisation and Association Agreement. This agreement, however, barely defines the field of judicial cooperation in civil and commercial matters. This lack is, to some extent, being filled by certain existing multilateral instruments. Today, several countries have concluded bilateral agreements with provisions on the recognition and enforcement of court decisions in civil and commercial matters; however, these are not unified and do not contain all of the more important EU standards.

For candidate countries and potential candidate countries, a gradual establishment and usage of particular principles and contents of the *acquis communautaire* would be very useful; in this way, certain procedures would be fully harmonised with the *acquis communautaire* even before the candidate countries acceded the membership. Member States, candidate countries and

potential candidate countries and their citizens would all benefit from this, since the quality of procedures based on suitable principles would most certainly improve.

Another important fact is that Western Balkan citizens have recently been given more freedom to travel into the EU countries for personal as well as business reasons. This will most certainly be followed by consequences regarding their personal status. It can be expected, the need for legal formalization of these consequences will arise.

The Lugano Convention is an excellent example of good cooperation with third countries. It was set up on the basis of a relevant EU regulation. The convention members were thereby enabled to use procedures and principles from the *acquis communautaire*. The new text of the Convention from 2007 entered into force on 1 January 2010. The Convention is open for accession by other countries, under the conditions of Articles 70–72.

In accordance with the aforementioned, we propose two possibilities. The first possibility would be Western Balkan countries' accession to the new Lugano Convention. If this possibility should prove to be too complex and the procedure too long or this would pose major obstacles for the European Commission, we propose a new regional convention. This would, in a manner

similar to the one mentioned previously, regulate issues of judicial cooperation in civil and criminal matters of the Western Balkan region. Beside the issue of recognition and enforcement of court decisions, the aspects of servicing and taking evidence could also be examined. The basic starting point for negotiation would be the existing acts of the *acquis communautaire*. Such a multilateral regional act (based on the model of the Lugano Convention) would be beneficial, mainly due to a common past and many mutual characteristics of the Western Balkan countries regarding their legal basis as well as their legal traditions. In this way, the judicial cooperation between them could be based on the same regime. The parties to the convention would be the Western Balkan countries, while the possibility of cooperation of the EU Member States would be examined.

We therefore propose that the participants to the conference express their opinion regarding the enhancement of regional cooperation in the field of judicial cooperation in civil and commercial matters and regarding both possibilities from the proposal – accession to the new Lugano Convention or formation of a new, similar regional convention for the Western Balkan region."

Брдо код Крања, 15.04.2011.