

## AGREEMENTS

## COMMISSION

**Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**

According to Article 3(2) of the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <sup>(1)</sup> (hereafter the Agreement), concluded by Council Decision 2006/325/EC <sup>(2)</sup>, whenever amendments to Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <sup>(3)</sup> are adopted, Denmark shall notify the Commission of its decision whether or not to implement the content of such amendments.

Council Regulation (EC) No 4/2009 <sup>(4)</sup> on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations was adopted on 18 December 2008. Article 68 of Regulation (EC) No 4/2009 provides that subject to transitional provisions in Article 75(2) of Regulation (EC) No 4/2009, Regulation (EC) No 4/2009 shall modify Regulation (EC) No 44/2001 by replacing provisions of that Regulation applicable to matters relating to maintenance obligations.

In accordance with Article 3(2) of the Agreement, Denmark has by letter of 14 January 2009 notified the Commission of its decision to implement the contents of Regulation (EC) No 4/2009 to the extent that this Regulation amends Regulation (EC) No 44/2001. This means that the provisions of Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations will be applied to relations between the Community and Denmark with the exception of the provisions in Chapters III and VII. The provisions in Article 2 and Chapter IX of Regulation (EC) No 4/2009, however, are applicable only to the extent that they relate to jurisdiction, recognition, enforceability and enforcement of judgments, and access to justice.

In accordance with Article 3(6) of the Agreement, the Danish notification creates mutual obligations between Denmark and the Community. Thus, Regulation (EC) No 4/2009 constitutes an amendment to the Agreement to the extent that it amends Regulation (EC) No 44/2001 and is considered annexed thereto.

With reference to Article 3(3) and (4) of the Agreement, implementation of the abovementioned provisions of Regulation (EC) No 4/2009 in Denmark can take place administratively under Section 9 of the Danish Law No 1563 of 20 December 2006 on the Brussels I Regulation and therefore does not require the Folketing's approval. The necessary administrative measures entered into force on the date of entry into force of Regulation (EC) No 4/2009 on 30 January 2009.

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<sup>(1)</sup> OJ L 299, 16.11.2005, p. 62.

<sup>(2)</sup> OJ L 120, 5.5.2006, p. 22.

<sup>(3)</sup> OJ L 12, 16.1.2001, p. 1.

<sup>(4)</sup> OJ L 7, 10.1.2009, p. 1.