AFFAIRES GÉNÉRALES ET POLITIQUE
GENERAL AFFAIRS AND POLICY

Projet d'ordre du jour
Draft agenda

avril / April 2013

HccH
HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

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DRAFT AGENDA

proposed by the Permanent Bureau

Conseil sur les affaires générales
et la politique de la Conférence d'avril 2013

Council on General Affairs
and Policy of the Conference of April 2013

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DRAFT AGENDA

MEETING OF THE COUNCIL
ON GENERAL AFFAIRS AND POLICY OF THE CONFERENCE

(9-11 April 2013)

The draft agenda will be treated with some flexibility and may need to be modified in the light of continuing discussions in the Council meeting, in particular concerning the items under future work.

Sessions will normally begin at 9.30 a.m. and end at 6.00 p.m. Breaks for coffee will normally be from 11.00 to 11.15 a.m., lunch from 1.00 to 2.30 p.m. and tea from 4.00 to 4.15 p.m.

The discussions on Items IV and VII of the draft agenda will be open to Members of the Conference only.

Please note that on **Monday 8 April 2013, starting at 2.30 p.m.**, the Hague Conference will be celebrating its 120 Year Anniversary by hosting an event entitled, "Hague Conference at 120: Today and in the Future". The programme for the event will follow in due course. All participants in the meeting of the Council are cordially invited to attend.

Tuesday 9 April 2013, 9.30 a.m.

I. Short overview of activities since the previous Council meeting (17–20 April 2012)

See Annual Report 2012 – also available on the Hague Conference website < www.hcch.net > under "Publications" – to be completed by oral remarks on work accomplished during the first quarter of 2013. Additional oral comments on the implementation of the Strategic Plan (Final Act, Nineteenth Session, 2002, Part B, Recommendation No 2)

II. Current work

See "Work programme of the Permanent Bureau for the next Financial Year (1 July 2013 – 30 June 2014)", Preliminary Document No 2

1. Choice of Law in International Contracts
   See "Choice of law in international contracts: Draft Hague Principles and Future Planning", Preliminary Document No 6

2. Recognition and enforcement of foreign civil protection orders (results of the Questionnaire of November 2012)
   See "Recognition and enforcement of foreign civil protection orders: Report", Preliminary Document No 4 B

3. Continuation of the Judgments Project (report on the meeting of February 2013)
   See Preliminary Document No 3, regarding the ongoing work on international litigation and continuation of the Judgments Project

III. Future work: new topics

Under this heading there will be a discussion of any new topics which have been, or may be, suggested by the Members, the international organisations or the Permanent Bureau. See "Work programme of the Permanent Bureau for the next Financial Year (1 July 2013 – 30 June 2014)", Preliminary Document No 2, with comments on some of the topics below

1. Accessing the content of foreign law and the need for the development of a global instrument in this area

2. The application of certain private international law techniques to aspects of international migration

3. Private international law issues surrounding the status of children (excluding adoption), in particular the recognition of parent-child relationships (*filiation*), and concerning international surrogacy arrangements

4. Other topics retained by the Council on the Conference's Agenda:

   a) questions of private international law raised by the information society, including electronic commerce, e-justice and data protection

   b) jurisdiction, and recognition and enforcement of decisions in matters of succession upon death

   c) jurisdiction, applicable law, and recognition and enforcement of judgments in respect of unmarried couples

   d) conflict of laws issues relating to the enforceability of close-out netting provisions, taking into account in particular the work undertaken by other international organisations

IV. Governance of the Conference and strategic issues

1. Report on the selection of the next Secretary General of the Conference

2. Report on the work of the open-ended Working Group of Members to develop a strategic framework for post-Convention services, including technical assistance

6.00 p.m. Reception hosted by the Permanent Bureau in the foyer of the Academy Building

Wednesday 10 April 2013

V. Round table on progress made concerning the signature and ratification of and accession to Hague Conventions

Under this heading Members will be invited to report on any progress with a view to signing, ratifying or acceding to the following Hague Conventions:

1. The Conventions adopted since the Eighteenth Session (1996):

   a) *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*
   b) *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations*
   c) *Convention of 30 June 2005 on Choice of Court Agreements*
   d) *Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary*
   e) *Convention of 13 January 2000 on the International Protection of Adults* and
   f) *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*

2. Conventions adopted at earlier Diplomatic Sessions:

   g) *Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions*
   h) *Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations*
   i) *Convention of 14 March 1978 on the Celebration and Recognition of the Validity of Marriages*
   j) *Convention of 1 July 1985 on the Law Applicable to Trusts and on their Recognition*

12.00 p.m. Signatures, deposits of instruments of ratification, acceptance or approval of and accession to any Hague Conventions

VI. Support, monitoring and adaptation of Conventions

A. Legal co-operation and litigation

1. Follow up on the Special Commission meeting on the practical operation of the Apostille Convention of November 2012
   See "Report of the Special Commission meeting on the Practical Operation of the Apostille Convention (6-9 November 2012)" – Preliminary Document No 5

2. Preparations for a Special Commission meeting on the practical operation of the 1965 Service and 1970 Evidence Conventions, and possibly the 1980 Access to Justice Convention, in 2014

B. International protection of children, vulnerable adults, international family and family property relations – remaining issues not discussed under previous items

1. Working Group to develop a Guide to Good Practice on the interpretation and application of Article 13(1) *b)* of the 1980 Child Abduction Convention

2. Experts' Group to carry out further exploratory research on the recognition and enforcement abroad of agreements between parties in the course of international child disputes

3. Judicial networking and direct judicial communications

4. Follow up on the work of the Experts' Group on the Financial Aspects of Intercountry Adoption. Preparations for the next Special Commission meeting on the practical operation of the 1993 Intercountry Adoption Convention in 2014
See < http://www.hcch.net/upload/hidden/2012/adoption_2012_financial.html >.

5. Documentation and electronic tools related to the 2007 Child Support Convention (e-Country Profile and iSupport)

6. Electronic tools related to the 1980 Child Abduction Convention (INCADAT, INCASTAT and iChild)

7. Mediation in the context of the Malta Process

C. Regional activities, International Centre for Judicial Studies and Technical Assistance – remaining issues not discussed under previous items

1. Regional programmes and regional offices
See "Regional developments: Latin American Regional Office and Asia Pacific Regional Office", Information Document No 2

2. Achievements, current work, and future work programme 2013-2016 of the Centre

3. Funding of the Centre's judicial training and technical assistance work

Thursday 11 April 2013

VII. Information on budgetary and funding matters

1. Oral report on the work of the Pensions / Building Working Group

2. Proposed Budget for Financial Year LIX (1 July 2013 – 30 June 2014)
See "Draft Budget for Financial Year LIX (1 July 2013 – 30 June 2014) and Explanatory Notes", Preliminary Document No 7

3. Supplementary Budget for Financial Years LIX-LXI (1 July 2013 – 30 June 2016)
See "Financial Years LIX-LXI (1 July 2013 – 30 June 2016) and Explanatory Notes (Part I: Special Projects and Expenses & Part II: International Centre for Judicial Studies and Technical Assistance)", Preliminary Document No 8

VIII. Co-operation with other international organisations

1. Co-operation with UNCITRAL, UNIDROIT, UNICEF and other global organisations
   See "Overview of Conventions and other instruments drawn up under the auspices of UNCITRAL, UNIDROIT and the Hague Conference on Private International Law", Information Document No 1

2. Co-operation with regional organisations, including the European Union, the Council of Europe, CIEC, Mercosur, OAS, SICA, OHADA, EAC, and ASEAN

IX. Conclusions and Recommendations

The meeting will end by 1.00 p.m. at the latest.

Annex A

Topics informally suggested to the Permanent Bureau[1]

- development of a practical guide on comparative private international law (on a country-by-country or subject-by-subject basis);
- development of model bilateral agreements to facilitate the implementation of (multilateral) Hague Conventions;
- questions of private international law in relation to intellectual property issues;
- the international recovery of assets relevant to criminal law enforcement as well as to ordinary claims, and which is related to aspects of provisional and protective measures;
- conventions (or model laws) on the law applicable to specific contracts (barter transactions; trading in futures on a stock exchange);
- cross-border regulatory issues: how to preserve, through international co-operation and mutual enforcement, the integrity of the growing variety of regulatory systems in a converging world;
- feasibility study on the provision of enhanced legal assistance in particular for categories of cases such as small and / or uncontested claims (suggestion by the Special Commission of 2–12 February 2009).[2]

[1] See Prel. Doc. No 20 of March 2002 for the attention of the Nineteenth Session: "Observations concerning the strategy of the Hague Conference in reply to the Secretary General's letter of 30 / 31 July 2001" (topics already previously mentioned in the agenda have been omitted).
[2] Referred to Annex A by the Council on General Affairs and Policy of March - April 2009.