AFFAIRES GENERALES ET POLITIQUE
GENERAL AFFAIRS AND POLICY

Projet d'ordre du jour
Draft agenda

mars / March 2009

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 de mars / avril 2009

Council on General Affairs
and Policy of the Conference of March / April 2009

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DRAFT AGENDA

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

(31 March – 2 April 2009)

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. with a lunch break from 1.00-2.30 p.m., **with the exception of the first day which will start at 2.00 p.m.**, and end at 6.00 p.m. Breaks for coffee will normally be from 11.00 a.m. till 11.15 a.m., and tea from 4.00 p.m. till 4.15 p.m.

Tuesday 31 March 2009, 2.00 p.m.

I. Review of activities since the previous Council meeting (1 – 3 April 2008)

1. Overview of work accomplished in 2008.

   See draft Annual Report 2008 (Prel. Doc. No 12 of March 2009).

2. Overview of work during the first quarter of 2009.

   Report and discussion on the results of:

   - the Special Commission on the Practical Operation of the Hague Apostille, Service, Evidence and Access to Justice Conventions (2 – 12 February 2009) – *see Preliminary Document No 4 of February 2009; oral remarks by the Secretariat*;
   - the Conference on direct judicial communications in family law matters and the development of judicial networks, jointly organised by the European Commission and the Hague Conference (Brussels, 15 - 16 January 2009) – *see Preliminary Document No 3 of February 2009; oral remarks by the Secretariat*;
   - the Third Malta Judicial Conference on Cross-Frontier Family Law Issues (St. Julian's, Malta, 24 – 26 March 2009) – *see Information Document No 2 of March 2009; oral remarks by the Secretariat.*

II. 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 governments, the international organisations or the Permanent Bureau. See Preliminary Document No 2 of February 2009 prepared by the Permanent Bureau, with comments on each of the topics below.

3. Cross-border mediation in family matters.

   See the "Feasibility Study on Cross-border Mediation in Family Matters - Responses to the Questionnaire", Preliminary Document No 10 of March 2008, the questionnaire prepared by the Permanent Bureau (L.c. ON No 29(07) dated 8 October 2007) and the comments received.

4. Choice of law in international contracts.

   See "Feasibility study on the choice of law in international contracts – Report on work carried out and suggested work programme for the development of a future instrument", Preliminary Document No 7 of March 2009.

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

   See "Accessing the content of foreign law", Preliminary Document No 11 of March 2009.

6. Proposal for a Protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

   See also the proposal of Switzerland of August 2007 which was communicated to the National and Contact Organs of the Members, all States Parties to the 1980 Convention, and the other States and Organisations that attended the Fifth Meeting of the Special Commission to review the operation of the 1980 Convention, for their views (L.c. ON No 35(07), dated 1 November 2007); see Preliminary Document No 12 of March 2008.

7. Feasibility of a Protocol to the *Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* to deal with the international recovery of maintenance in respect of vulnerable persons.

   See Recommendation No 9, Final Act, Twenty-First Session, Part C, p. 55.

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

   See Preliminary Document No 8 (third follow-up note) of March 2009.

9. 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;

   b) the conflict of jurisdictions, applicable law and international judicial and administrative co-operation in respect of civil liability for environmental damage; *see Preliminary Document No 8 of May 2000;*

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

   d) jurisdiction, applicable law, and recognition and enforcement of judgments in respect of unmarried couples; *see Preliminary Document No 11 of March 2008*;

   e) assessment and analysis of transnational legal issues relating to indirectly held securities and security interests, taking into account in particular the work undertaken by other international organisations.

10. Any other topics that may be proposed –[1]

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).

6.00 p.m. Launch of the Spanish section of the multilingual website of the Hague Conference, followed by a reception hosted by the Permanent Bureau, at the Academy Building.

Wednesday 1 April 2009

III. Round table on progress made concerning the signature and ratification of and accession to Conventions; signing of, or depositing instruments of ratification of or accession to Hague Conventions

11. Conventions adopted by the Twenty-First Session (2007) –

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*.

Preparations of the Special Commission of November 2009 on the implementation of the 2007 Child Support Convention.

12. Convention adopted by the Twentieth Session (2005) –

Convention of 30 June 2005 on Choice of Court Agreements.

13. Convention adopted by the Nineteenth Session (2002) –

Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary.

14. Conventions adopted by the Eighteenth Session (1996) and by the Special Commission of a Diplomatic Character (1999) –

a) *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;* and

b) *Convention of 13 January 2000 on the International Protection of Adults*.

15. Conventions adopted by previous Sessions –

The following Conventions are proposed for discussion –

a) *Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters;*

b) *Supplementary Protocol of 1 February 1971 to the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.*

[1] See also Annex A.

IV. Monitoring, adaptation and support of Conventions

A. Conventions in the areas of commercial and finance law, and on legal co-operation and litigation

16. Follow up on the Special Commission of 2 – 12 February 2009 –

    a) Apostille Convention;

    b) Service Convention;

    c) Evidence Convention; and

    d) Access to Justice Convention.

B. Conventions on international protection of children, vulnerable adults, international family and family property relations

17. Report on the activities in relation to the Conventions of 1980, 1993 and 1996 and, in particular –

    a) follow-up on the Special Commission meeting of October-November 2006 on the practical operation of the 1980 Convention and the implementation of the 1996 Convention, including progress in relation to Guides to Good Practice; and planning for the next meeting of the Special Commission in 2011;

    b) preparation of the Special Commission of 2010 on the practical operation of the 1993 Convention, including progress in relation to Guides to Good Practice.

C. General issues

18. Monitoring and support of Conventions through information technology.

19. Judicial networking and direct judicial communications.

V. Regional developments

a) Latin America

b) Asia Pacific

c) Malta Process

d) Africa

e) CIS States

f) Regional presence of the Hague Conference.

VI. Organisation of the work of the Conference

20. International Centre for Judicial Studies and Technical Assistance.

    a) Achievements, current developments and tentative work programme 2009-2012

    b) Funding methods, in particular in respect of countries identified as Official Development Assistance Recipients, in accordance with OECD criteria.

12.30 p.m. Signatures, deposit of instruments of ratification or accession to Conventions, followed by a reception in the Academy Building hosted by the Czech Republic.

VII. Future work (cont'd)

Thursday 2 April 2009

VIII. Organisation of the work of the Conference (cont'd)

21. The Strategic Plan.

    Report on progress by the Secretariat (see Prel. Doc. No 5 of March 2009).

22. Proposed Budget for Financial Year LV (1 July 2009 – 30 June 2010).

    Draft Budget for Financial Year LV (1 July 2009 – 30 June 2010) and Explanatory Notes (see Prel. Doc. No 9 of March 2009).

23. Supplementary Budget for Financial Year LV (1 July 2009 – 30 June 2010), Part I Special Projects and Expenses; Part II, the Hague Conference International Centre for Judicial Studies and Technical Assistance.

    Draft Supplementary Budget for Financial Year LV (1 July 2009 – 30 June 2010) and Explanatory Notes (see Prel. Doc. No 10 of March 2009).

IX. Co-operation with other international organisations

24. Co-operation with UNCITRAL, UNIDROIT and other global organisations.

25. Co-operation with the European Union and other regional organisations; *oral remarks by the Secretariat.*

X. Conclusions

The meeting will end by 5.00 p.m. at the latest.

Annex A

Topics informally suggested to the Permanent Bureau –[1]

- continuation of the Judgments Project, possibly through additional Protocols to the Convention on Choice of Court Agreements, a model law or model (bilateral) agreements;

- 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;

- questions in relation to status of children (excluding adoption), in particular recognition of parent-child relationships *(filiation)*;

- 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;

- suggestion recently made to the Permanent Bureau: Direct communication scheme in cross-border insolvency cases.

[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).