



# HCCH In the Internet Era

CONFERENCE ON JURISDICTION & DISPUTE RESOLUTION  
IN THE INTERNET ERA

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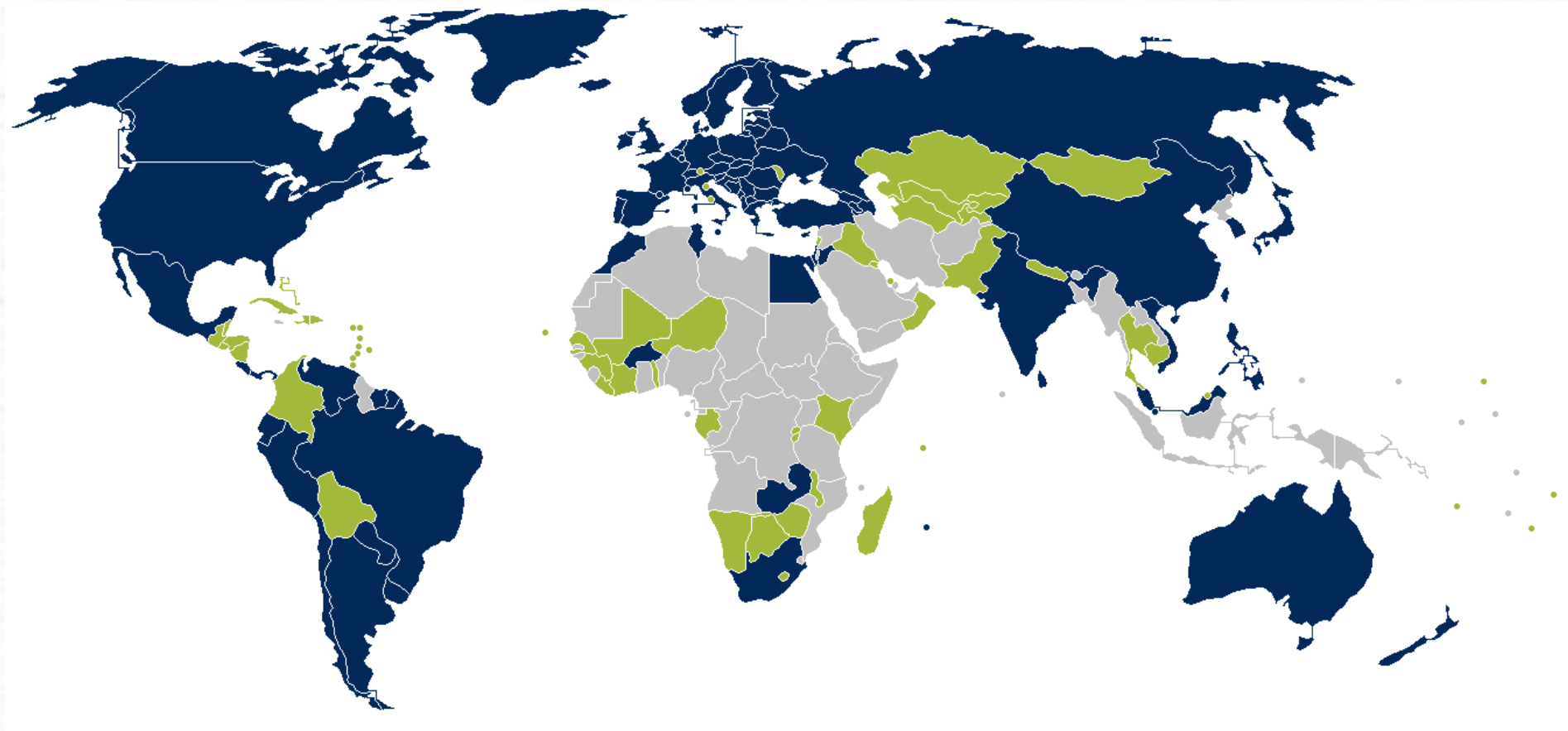
# Hague Conference – Conférence de La Haye > HCCH



## Hague Conference on Private International Law Conférence de La Haye de droit international privé

- An intergovernmental organisation working toward “*progressive unification of the rules of private international law*”
- The *oldest* international organisation in The Hague, with its origin dating back to 1893
- Fulfils its mandate by developing and adopting Hague Instruments (currently 40), to which any State may become a party
- 80 Members to HCCH and 146 States (as a Member or a Contracting State) are linked through HCCH

# The HCCH map as of June 2015



■ Member State "Connected" State

■ Non-Member "Connected" State

# Relevant HCCH work for contemporary jurisdictional challenges

# International jurisdiction and R&E of judgments



Conférence de La Haye de droit international privé  
Hague Conference on private international law

Convention du 30 juin 2005 sur les  
accords d'élection de for

Convention of 30 June 2005 on  
Choice of Court Agreements

Texte adopté par la Vingtième session  
Text adopted by the Twentieth Session



1992  
work  
towards a  
broad  
Convention

2005  
Choice of  
Court  
Convention

2012:  
relaunch of  
Judgments  
Project

# Some important elements



- The HCCH has been working towards a **global instrument on foreign judgments** since 1992. Initially a broad instrument covering both jurisdiction and recognition/enforcement was intended.
- A first “product” of the Judgments Project : the (*Convention of 30 June 2005 on Choice of Court Agreements* –**The Convention was approved by the EU on 11 June 2015 and it will enter into force on 1 October 2015.**
- The Judgments Project **resumed** (in its current form) **in 2012**
- An Experts’ Group was tasked with **advising on the feasibility of jurisdiction rules** (including parallel proceedings)
- A Working Group was established, whose focus has been on the **recognition and enforcement of foreign judgments**
- The Working Group has so far produced a ***preliminary draft text (February 2015)***

# Preliminary Draft Text: the R&E Scheme *(as of Feb 2015)*

Principles of R&E under the Convention, without any review of the merits  
(Art. 4)

Grounds of Refusal  
(Art. 5)

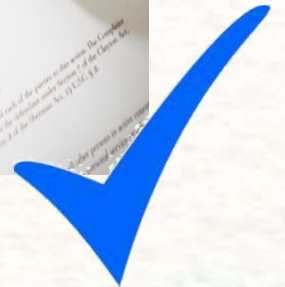
Traditional grounds of refusal  
*(defective service, fraud, public policy and procedural fairness, inconsistent judgments)*  
(Art. 5(1))

Refusal based on nature of jurisdiction exercised in State of origin

Jurisdiction in contradiction of a jurisdictional agreement  
(Art. 5(2))

Jurisdictional filters (indirect grounds of jurisdiction)  
(Art. 5(3))

Recognition on exclusive grounds  
*(registered industrial property and immovable property)*  
(Art. 6)



# Tentative timeline for future work

## 2015

At least one Working Group meeting – scheduled for October 2015.

Completion of Working Group mandate?

## Early 2016

Assessment of state of affairs by the Council on General Affairs and Policy

## First half of 2016

If approved by the Council, it is anticipated that the Special Commission would begin State negotiations and will hold its first meeting in June 2016.





Thank you for your attention

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