

JUDGMENTS
JUGEMENTS

Draft agenda
Projet d'ordre du jour

February / février 2017



(E)

REVISED DRAFT AGENDA

proposed by the Permanent Bureau

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PROJET D'ORDRE DU JOUR RÉVISÉ

proposé par le Bureau Permanent

*For the attention of the Special Commission
of February 2017 on the Recognition and Enforcement of Foreign Judgments*

*À l'attention de la Commission spéciale
de février 2017 sur la reconnaissance et l'exécution des jugements étrangers*

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Revised Draft Agenda for the meeting of the Special Commission on Recognition and Enforcement of Foreign Judgments

The Hague, 16-24 February 2017

In general, it is proposed that the sessions shall be held from 9.00 a.m. till 1.00 p.m. and from 2.30 p.m. till 6.00 p.m., with lunch breaks from 1.00 to 2.30 p.m. and breaks for coffee / tea from 11.00 to 11.15 a.m. and from 4.00 to 4.15 p.m. There will be no plenary session on Saturday 18 or Sunday 19 February 2017 but the Drafting Committee and other Working Groups are scheduled to meet over the weekend at the offices of the Permanent Bureau.

The suggested timetable will be followed with a certain degree of flexibility and modified in accordance with the requirements of the discussion.

The primary basis for the discussions will be Working Document No 76 Revised ("the 2016 preliminary draft Convention"), which contains the text that emerged from the first meeting of the Special Commission, and reflects the final *toilettage* performed by the Permanent Bureau.

Thursday 16 February 2017

9.30 a.m. – 1.00 p.m. Welcome and general remarks by *Mr Christophe Bernasconi, Secretary General*

Adoption of the Agenda

Introduction to the documentation and organisational matters, by *Mrs Marta Pertegás, First Secretary*

General comments about the current status of the project and nature of the preliminary draft Convention, by *Mr David Goddard QC, Chair of the Special Commission*, and exchange of views about the objectives of the meeting

Chapter I – Scope and definitions

Article 1 – Scope

This agenda item will include a presentation by *Mrs Geneviève Saumier* and *Mr Francisco Garcimartín Alférez, co-Rapporteurs of the draft Convention*, of the Note on Article 1(1) of the 2016 preliminary draft Convention and the term "civil or commercial matters" (Prel. Doc. No 4)

2.30 p.m. – 6.00 p.m. **Chapter I – Scope and definitions (cont'd)**

Article 2 – Exclusions from scope

Article 3 – Definitions

General and Final Clauses

Presentation of Working Document No 78 (Draft General and Final Clauses), followed by general discussion. Establishment of a Working Group on General and Final Clauses

6.00 p.m. Welcome reception offered by the Municipality of The Hague and Lipman Karas in the foyer of the Academy Building

Friday 17 February 2017

- 9.00 a.m. – 1.00 p.m. **Chapter II – Recognition and enforcement**
- Article 4** – General provisions
 - Article 5** – Bases for recognition and enforcement
 - Article 6** – Exclusive bases for recognition and enforcement
- 1.00 p.m. Group photograph
- 2.30 p.m. – 6.00 p.m. **Chapter II – Recognition and enforcement (cont'd)**
- Article 7** – Refusal of recognition or enforcement
- This agenda item will include a presentation of Preliminary Document No 5 on Article 7(1)(c) of the 2016 preliminary draft Convention by the *co-Rapporteurs of the draft Convention*

Monday 20 February 2017

- 9.00 a.m. – 11.00 a.m. Presentation of the outcome of the discussions that have taken place within the Working Group on IP Matters in the afternoon of Sunday 19 February 2017. Discussion of IP-related articles on the basis of Information Document No 6
- 11.00 a.m. – 1.00 p.m. Presentation of the outcome of the discussions that have taken place within the Working Group on General and Final Clauses in the morning of Sunday 19 February 2017 – Discussion on the *general clauses* (incl. articulation with the 2005 Choice of Court Convention)
- Chapter III – General clauses**
- Proposed Article 17** – Transitional provisions
 - Proposed Article 18** – No legalisation
 - Proposed Article 19** – Declarations with respect to specific matters
 - Proposed Article 20** – Uniform interpretation
- 2.30 p.m. – 6.00 p.m. **Chapter III – General clauses (cont'd)**
- Proposed Article 21** – Review of operation of the Convention
 - Proposed Article 22** – Non-unified legal systems
 - Proposed Article 23** – Relationship with other international instruments

Tuesday 21 February 2017

- 9.00 a.m. – 1.00 p.m. **Chapter II – Recognition and enforcement (cont'd)**
- Article 8** – Preliminary questions
 - Article 9** – Damages
 - Article 10** – Judicial settlements (*transactions judiciaires*)
 - Article 11** – Documents to be produced
 - Article 12** – Procedure
 - Article 13** – Costs of proceedings (see Info. Doc. No 5)
 - Article 14** – Equivalent effects
 - Article 15** – Severability
 - Article 16** – Recognition or enforcement under national law
- 3.30 p.m. – 6.00 p.m. Presentation of the preliminary draft Convention, as revised by the Drafting Committee during the extended lunchbreak, *by the Chair of the Drafting Committee*
- 6.30 p.m. Reception offered by Italy, Japan and Switzerland, hosted at the residence of the Ambassador of Japan

Wednesday 22 February 2017

- 9.00 a.m. – 1.00 p.m. **Chapter IV – Final clauses**
- Proposed Articles 24 & 25** – Joining the Convention
 - Proposed Article 26** – Declarations with respect to non-unified legal systems
 - Proposed Articles 27 & 28** – Regional Economic Integration Organisations
 - Proposed Article 29** – Entry into force
- 2.30 p.m. – 6.00 p.m. **Chapter IV – Final clauses (cont'd)**
- Proposals on reservations (possible Art. 30)**
 - Proposed Article 31** – Declarations
 - Proposed Article 32** – Denunciation
 - Proposed Article 33** – Notifications by the depositary

Thursday 23 February 2017

- 9.00 a.m. – 1.00 p.m. Open issues revisited
- Presentation of the preliminary draft Convention, as revised by the Drafting Committee, *by the Chair of the Drafting Committee*
- 2.30 p.m. – 6.00 p.m. Second reading of the preliminary draft Convention

Friday 24 February 2017

- 9.00 a.m. – 1.00 p.m. Open issues revisited
- Preliminary discussion on a draft Preamble
- Consideration of the possible use of a form, as specified at Article 11(3)
- Discussion of Conclusions and Recommendations / Report of the Special Commission to the Council on General Affairs and Policy
- This agenda item will be addressed on the basis of Preliminary Document No 3
- 2.30 p.m. – 6.00 p.m. Conclusions and Recommendations / Report of the Special Commission to the Council on General Affairs and Policy (cont'd)
- 6.00 p.m. Closing of the meeting