

Third meeting of the Special Commission on the Recognition and Enforcement of Foreign Judgments – November 2017

Document	Preliminary Document <input type="checkbox"/> Procedural Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 1 of October 2017
Title	Draft agenda	
Author	Permanent Bureau	
Agenda item		
Mandate(s)		
Objective		
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes		
Related documents		

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

The Hague, 13-17 November 2017

In general, it is proposed that the meetings 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.

The primary basis for the discussions will be Working Document No 170 E revised ("the February 2017 draft Convention"), which contains the text that emerged from the second meeting of the Special Commission, and reflects the final *toiletage* performed by the Permanent Bureau.

The suggested timetable will be followed with a certain degree of flexibility and may need to be modified in the light of progress in the discussions.

Monday 13 November 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

Introduction to organisational matters, by *Mrs Anna Koelewijn, Head of Administration*

General comments about the mandate of the SC and the current status of the February 2017 draft Convention, by *Mr David Goddard QC, Chair of the Special Commission*

General presentation of the preliminary Explanatory Report by *Mrs Geneviève Saumier and Mr Francisco Garcimartín Alférez, co-Rapporteurs of the draft Convention (Prel. Doc. No 7)*

Outstanding issues¹

Article 2(1)(k) – Privacy exclusion

This agenda item will include a presentation by *Ms Cara North* of the Note on the possible exclusion of privacy matters from the Convention as reflected in Article 2(1)(k) of the February 2017 future Convention (Prel. Doc. No 8).

Article 5(1)(g) and 5(1)(n)(ii) – "Purposeful and substantial connection"

This agenda item will include a presentation by *Professor Ronald A. Brand* of the Note on the concept of "Purposeful and Substantial Connection" in Article 5(1)(g) and 5(1)(n)(ii) of the February 2017 draft Convention (Prel. Doc. No 6).

1.00 p.m. Group photograph

¹ These issues are square bracketed in Chapters I and II of the February 2017 draft Convention.

2.30 p.m. – 6.00 p.m.

Outstanding issues (cont'd)

Article 13 – Judicial Settlements (*transactions judiciaires*)

Article 16 – Costs of proceedings

Brief discussion on intellectual property related matters

6.00 p.m.

Welcome reception offered by the Permanent Bureau in the foyer of the Academy Building

Tuesday 14 November 2017

9.00 a.m. – 1.00 p.m.

Intellectual property related matters

Article 2(1)(l) – Exclusions from scope

Article 5(1)(k), (l), (m) – Bases for recognition and enforcement

2.30 p.m. – 6.00 p.m.

Intellectual property related matters (cont'd)

Article 5(1)(k), (l), (m) – Bases for recognition and enforcement (cont'd)

Article 6(a) – Exclusive bases for recognition and enforcement

Wednesday 15 November 2017

9.00 a.m. – 1.00 p.m.

Intellectual property related matters (cont'd)

Article 7(1)(g) – Refusal of recognition or enforcement

Article 8(3) – Preliminary questions

Article 12 – Non-monetary remedies in intellectual property matters

1.30 p.m. – 4.00 p.m.

Meeting of the Drafting Committee

4.00 p.m. – 6.00 p.m.

General and Final Clauses

Article 18 – Transitional provision

Article 19 – No legalisation

Article 20 – Declarations limiting recognition and enforcement

Thursday 16 November 2017

9.00 a.m. – 1.00 p.m.

General and Final Clauses (cont'd)

Article 21 – Declarations with respect to specific matters

Article 22 – Declarations with respect to common courts

This agenda item will include a presentation by the Permanent Bureau of the Note on common courts reflected in Article 22 of the February 2017 draft Convention (Prel. Doc. No 9).

Article 23 – Uniform interpretation

Article 25 – Non-unified legal system

Article 26 – Relationship with other international instruments

2.30 p.m. – 4.00 p.m.

General and Final Clauses (cont'd)

Provisions under Chapter IV – Final clauses

4.00 p.m. – 6.00 p.m.

Discussion of identified priority issues²

6.30 p.m.

Meeting of the Drafting Committee

Friday 17 November 2017

9.00 a.m. – 1.00 p.m.

Discussion of identified priority issues (cont'd)

1.30 p.m. – 3.30 p.m.

Tentative meeting of the Drafting Committee

3.30 p.m. – 6.00 p.m.

Discussions about future work in preparation for the Diplomatic Session

Second reading

Discussion of the Chair's *aide memoire* and Report of the Special Commission to the Council on General Affairs and Policy

6.00 p.m.

Closing of the meeting

² These issues will be identified during the meeting, having regard to the proposals received and the time available for the discussion.