

Council on General Affairs and Policy of the Conference – March 2019

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 6 of January 2019
Title	Report on post-Convention assistance activities (1 January – 31 December 2018) - version 2	
Author	Permanent Bureau	
Agenda item	Item IV.4	
Mandate(s)	C&R No 40 of the 2018 Council on General Affairs and Policy	
Objective	To report on outcomes of post-Convention assistance projects (projects), undertaken by the Permanent Bureau in 2018	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	List of post-Convention assistance projects	
Related documents	See also Strategic Framework for Post-Convention Assistance	

I. Introduction

1. The Report on post-Convention assistance (pCA) activities (Report) provides the Council on General Affairs and Policy with an overview of post-Convention assistance projects (Projects) undertaken by the Permanent Bureau in 2018. The projects are listed chronologically.
2. Annex I of the Report comprises all pCA provided. It describes each project and its outcomes and chronicles the selection and prioritisation criteria as applied. It also identifies which entities supported the projects and whether support was provided in the form of funds or otherwise.
3. As per the terms and scope of the *Strategic Framework for Post-Convention Assistance*, this Report does not include general post-Convention activities and services.
4. Please also refer to “Preliminary Document No 14: Voluntary Contributions Report (1 January–31 December 2018)” for more information about projects funded by Voluntary Contributions.
4. The Permanent Bureau of the Hague Conference on Private International Law (HCCH) takes this opportunity to thank all those who supported these Projects.

ANNEX

Annex I. Post-Convention assistance projects

Start Date	End Date	Activity	HCCH Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
15-2-2018	16-2-2018	pCA to France on the e-APP (Paris, February 2018)	1961 Apostille	Research, organisation, preparation and delivery of post-Convention assistance to France (the Ministries of Justice and of Foreign Affairs), in relation to the implementation of the e-APP. The pCA comprises a seminar and round-table with the "Direction des affaires civiles et du Sceau", the "inspecteurs" from both the "Inspection générale de la justice" and the "Inspection des affaires étrangères". This workshop is in addition to multiple follow-up meetings, during a two-day mission for the Secretary General and 1 Legal Officer to Paris in February 2018.	The objective of the assistance is to provide the "Direction" and the "Inspections" of both Ministries with individualised assistance and critical feedback on the nation-wide initiative to reform the Apostille and legalisation processes, incorporating new technological solutions and ultimately implementing one or both components e-APP.	<p>The implementation of the e-APP in France is being pursued principally in the context of a larger-scale dematerialisation and modernisation initiative of the Macron government. In addition to colleagues from the National Organ, the workshop was attended by senior Inspecteurs, who have been tasked with making formal recommendations to the French Government (in particular the Ministries of Justice and Foreign Affairs) with respect to the operation of the Apostille Convention and the implementation of the e-APP, covering everything from legal organisational frameworks to technological infrastructure. Although we used a presentation to guide us through the principal topics, we were very pleased to see that the workshop quickly became much more of a dialogue, which meant that the session was of much greater use to the French authorities. These Inspecteurs have also conducted site visits to several Competent Authorities throughout France, to take stock of current procedures and determine how best to harmonise and modernise their systems.</p> <p>The Inspecteurs' final report has since been completed (in mid-2018), however their recommendations have at this stage only been circulated internally within the Ministries. We will remain in contact with the French National Organ on this subject, in particular to encourage them to</p>	i; ii; iii; iv; v; vi; vii; viiia; viiib	i; vii;viii, ix	HCCH Budget

						set objectives for the next stages of implementation and to share these with us going forward. Such progress may become of increasing importance as the European Union Regulation 2016/1191 (with respect to the circulation of certain types of public documents) takes effect in February 2019. We can expect more detailed information about the French implementation of the e-APP in the lead up to the 11 th Forum on the e-APP in October 2019.			
3-6-2018	29-6-2018	1993-ICATAP Ecuador	1993 Adoption	pCA provided to Ecuador which consisted of 5 activities, as follows: 1: Provide legal advice to ensure that Ecuadorian legislation on adoption is in line with the 1993 Adoption Convention; 2: Carry out a fact-finding mission on current practices regarding adoptions in Ecuador and provide recommendations; 3: Observe the Central Authority in its daily work, review practices and procedures; 4: Training of relevant actors; and 5: Draft a comprehensive report	Overall objective: improve the application and implementation of the principles set forth in the 1993 Adoption Convention in Ecuador. Specific objectives: Provision of legal advice on the Ecuadorian legislation, provision of recommendations on current practices, observe and review the Central Authority work, training of relevant actors, and drafting of a comprehensive report.	Through an open, transparent and merit-based process, a consultant was selected to provide legal advice regarding the legislation on adoption, making recommendations and suggestions on what should be changed in order to ensure that the legislation is in accordance with the 1993 Adoption Convention. The consultant met with different authorities involved in the adoption process in Ecuador and provided relevant recommendations on how to ensure that adoption practices are in line with the 1993 Adoption Convention. The consultant worked directly with the Central Authority to review their practices and analyse whether another authority would serve better the function of the Central Authority. The consultant trained relevant actors to the adoption procedure in line with the 1993 Adoption Convention. The consultant drafted a report assessing the current situation and including recommendations to improve the practices and the functions of the Central Authority.	i; ii; iii; iv; v; vi; vii; viii; viii b	i; ii; iii; iv; v; vi; vii; viii, ix	Norway

Start Date	End Date	Activity	HCCH Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
14-8-2018	15-8-2018	Apostille Training in Tunis, Tunisia	1961 Apostille	Two-day training on the implementation of the Apostille Convention for Tunisian Notaries	(i) To train notaries throughout Tunisia on the implementation of the Convention, including good practices and how to overcome challenges (ii) To accelerate the implementation process and make the Convention operational in Tunisia, as the Convention has already been in force for some time (iii) To impress upon Tunisia the importance of designating a Competent Authority as soon as possible.	The training seminars were very well attended, by over 200 notaries, and these are expected to become the designated Competent Authority. Participants became committed and passionate about the topic and discussed each case with enthusiasm. The HCCH was also able to provide direct feedback on the processing of Apostilles and the Model Apostille itself.	i; ii; iii; iv; v; vi	i; ii; iii; iv; v; vi; viii; ix	General Project Funds ***

* Selection criteria:

- i) An official request has been received from the State concerned;
- ii) The requesting State has expressed a commitment to fully co-operate with the Permanent Bureau;
- iii) The requested assistance is likely to achieve the intended objectives in light of relevant social, political and economic factors;
- iv) The requested assistance is reasonably expected to produce measurable benefits;
- v) The requested assistance falls within the specific area of expertise of the Permanent Bureau;
- vi) The Permanent Bureau is the only or best placed entity to provide or co-ordinate the requested assistance;
- vii) Where relevant, conditions in the requesting State are conducive to the effective provision of post-Convention assistance; and
- viii) Where relevant, the requesting State expresses a commitment to:
 - a. actively co-operate with the Permanent Bureau or other relevant experts in the establishment and the realisation of an action plan for the provision of post-Convention assistance; and
 - b. move forward in achieving set milestones within a reasonable timeframe established in consultation with the Permanent Bureau.

**** Prioritisation criteria:**

- i) The requesting State is a Member of the HCCH or is actively committed to pursuing Membership;
- ii) The requesting State is in the process of preparing to join or is already a Contracting State to the relevant HCCH Convention;
- iii) The urgency of the request;
- iv) The offer of financial and / or in-kind support from Members or Contracting States;
- v) The requesting State is already receiving or is likely to receive additional relevant support or assistance from other governmental, non-governmental, or intergovernmental entities;
- vi) The request reflects the diversity of regions in which the HCCH operates;
- vii) The lasting and substantive impact that providing post-Convention assistance is expected to have on the recipient State and the region, including the possibility that such assistance may enable the recipients to later provide training to other States in need of assistance;
- viii) The post-Convention assistance will be provided in a cost-effective and efficient way; and
- ix) The request pertains to a widely ratified or recently adopted HCCH Convention for which broad participation is reasonably expected.

*** Contributors approved the PB's proposal to pool the remaining amount of unspent Voluntary Contributions (as presented in the final Supplementary Budget report, by the end of FY2014-2015).