

HCCH a|Bridged Edition 2021

Enabling party autonomy with the
HCCH 2005 Choice of Court Convention



Regional Insights into the 2005 Choice of Court Convention

I. HCCH a|Bridged series

The HCCH a|Bridged series, an initiative introduced by the HCCH in 2019, explores innovation in cross-border litigation, civil procedure and dispute resolution. It provides an annual forum for experts and stakeholders from around the world to discuss and debate contemporary issues and solutions.

The inaugural edition focused on the *HCCH Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* and how it operates in the era of electronic and information technology. The 2020 edition followed the same theme but, coinciding with the Convention's 50th anniversary, focused on the *HCCH Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*.

At its 2021 meeting, the Council on General Affairs and Policy (CGAP) of the HCCH endorsed a proposal to dedicate the 2021 a|Bridged edition to the *HCCH Convention of 30 June 2005 on Choice of Court Agreements*, with the aim, among other things, to assess the role the Convention plays in the emerging litigation market of international commercial courts and the application of choice of court agreements in the context of online and electronic commerce. The Choice of Court Convention, which entered into force in 2015, now binds 32 Contracting Parties.

The HCCH a|Bridged format is intended to be a short and sharp, more targeted event rather than a regular international law conference.

II. 2021 Edition

For the second year, the event will be held in an online format. While the last two editions were hosted in Europe, the 2021 Edition will be hosted in the Latin American and Caribbean region (albeit virtually).

Several international organisations in the region, including the CCJ Academy of Law and ASADIP, are actively involved in the promotion and running of the event, this with a view to increasing participation in the region and, by extension, interest in implementing the Convention. To further facilitate participation from the region, simultaneous interpretation in Spanish will be provided.

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Opening Remarks and Keynote Speech

The event will commence with opening remarks from Dr Christophe Bernasconi, Secretary General of the HCCH. Thereafter, Professor Trevor Hartley will give a keynote speech outlining the origins and main features of the 2005 Choice of Court Convention.

Presentation of key findings from the Questionnaire on the 2005 Choice of Court Convention

A presentation on the key findings of the responses to a Questionnaire on the 2005 Choice of Court Convention, conducted among contracting and non-contracting parties will be given by Dr Ning Zhao, Senior Legal Officer at the HCCH.

Session 1 – The Policy Argument

Session 1 panel discussions will focus on why States should join the 2005 Choice of Court Convention, including the benefits to specific regions as well as the global picture. This session will include the role the Convention plays in the emerging and innovative litigation market of international commercial courts. In this regard, the speakers will discuss the trends they see in relation to the instances in which their courts assume or have declined jurisdiction, or were challenged in their jurisdictional decisions, along with a discussion regarding the recognition and enforcement of judgments. The panel will be chaired by Dr João Ribeiro-Bidaoui, First Secretary at the HCCH, who in his capacity as convener will moderate the session and highlight the key take away of the discussions in his concluding remarks.

Session 2 – The Legal and Practical Argument

Session 2 panel discussions will focus on the benefits of the Convention to business and, by extension, practitioners. The panellists will briefly address some of the recent criticisms voiced by the arbitration community in relation to the Convention. Furthermore, they will discuss the application of the Convention to choice of court agreements in the context of online and electronic commerce, and the relationship between the 2005 Choice of Court Convention and the 2019 Judgments Convention. This session will be convened by Ms Louise Ellen Teitz, Professor at Roger Williams University School of Law.

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Target Audience

HCCH a|Bridged 2021 will bring together international panelists and participants knowledgeable of and interested in the 2005 Choice of Court Convention in particular, and in cross-border litigation at large.

Post-Event

A document containing the substantive contributions from speakers, as well as a summary of key outcomes and findings, will be published and made available on the HCCH website.