

Third Meeting of the Working Group on the Judgments Project (7-10 October 2014)



Report

From 7 to 10 October 2014, the **Working Group on the Judgments Project** (“the Working Group”) met in Hong Kong for its third meeting under the chairmanship of Mr David Goddard QC. The Working Group was composed of 20 participants from 13 Members.¹

The Working Group warmly thanked the Department of Justice of Hong Kong SAR and the Asia Pacific Regional Office of the Hague Conference on Private International Law for their very generous hospitality and for providing all necessary facilities for a successful and agreeable meeting.

Pursuant to the mandate given by the Council on General Affairs and Policy of the Conference (“the Council”) at its April 2014 meeting,² the Working Group continued its work towards the preparation of draft provisions for inclusion in a future instrument. The Working Group proceeded on the basis that the future instrument would stand alongside the Choice of Court Convention.

The Working Group made substantial progress by discussing possible approaches to the criteria for recognition and enforcement of judgments under the Convention. A number of papers and proposals prepared by various experts were circulated prior to the meeting, and in the course of the meeting, and were discussed in depth. The Group narrowed the range of possible options for criteria for recognition and enforcement of judgments, and its work at the meeting focused on two main options. The Working Group drafted text to give effect to the suggested approaches. There was consensus on a number of provisions, in relation to which detailed drafting work was carried out.

The Group agreed that inter-sessional work should focus on advancing the working drafts on the criteria for the recognition and enforcement of judgments, for further discussion at its next meeting.

The Working Group looks forward to continuing its progress at its next meeting which is scheduled to take place on 2-6 February 2015 in The Hague. The Working Group will report further to the Council as soon as possible following that meeting.

HONG KONG, 10 October 2014

¹ The participating Members were Australia, Brazil, China, Cyprus, the European Union, Germany, the Republic of Korea, the Russian Federation, Serbia, Spain, Switzerland, the United Kingdom and the United States of America.

² The mandate given by the Council to the Working Group was “to prepare proposals for consideration by a Special Commission in relation to provisions for inclusion in a future instrument relating to recognition and enforcement of judgments, including jurisdictional filters” (Conclusions and Recommendations adopted by the Council of 17 to 20 April 2012, para. 17). At its 2014 meeting, “[t]he Council stressed the importance of this project and welcomed the significant progress made by the Working Group at its February 2014 meeting. The Council invited the Working Group to continue its work as set out in the February 2014 Working Group meeting Report (Annex to Prel. Doc. No 7), including a suggested plan for further steps to be taken towards the development of a Convention in this field. The Permanent Bureau will report to the Council of 2015” (Conclusions and Recommendations adopted by the Council of 8 to 10 April 2014, para. 6).