AFFAIRES GENERALES ET POLITIQUE
GENERAL AFFAIRS AND POLICY

Projet d'ordre du jour
Draft agenda

march / March 2010

HccH
HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

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DRAFT AGENDA

proposed by the Permanent Bureau

Conseil sur les affaires générales
et la politique de la Conférence d'avril 2010

Council on General Affairs
and Policy of the Conference of April 2010

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DRAFT AGENDA

MEETING OF THE COUNCIL ON
GENERAL AFFAIRS AND POLICY OF THE CONFERENCE

(7 – 9 April 2010)

The draft agenda will be treated with some flexibility and may need to be modified in the light of continuing discussions in the Council meeting, in particular concerning the items under future work.

Sessions will normally begin at 9.30 a.m., **with the exception of the first day which will start at 2.00 p.m.**, and end at 6.00 p.m. Breaks for coffee will normally be from 11.00 till 11.15 a.m., lunch from 1.00 – 2.30 p.m. and tea from 4.00 till 4.15 p.m.

Wednesday 7 April 2010, 2.00 p.m.

I. Review of activities since the previous Council meeting (31 March – 2 April 2009)

1. Overview of work accomplished in 2009.

   See Annual Report 2009.

2. Overview of work during the first quarter of 2010.

   Short report on the results of:

   - the First Meeting of the Working Group on choice of law in international contracts (The Hague, 21 – 22 January 2010);
   - the Experts' Working Group meeting on the *"Guide to Good Practice Part II – Accreditation and accredited bodies"* under the 1993 Intercountry Adoption Convention (The Hague, 15 – 16 February 2010);
   - the Southern and Eastern African Regional Seminar, "Cross-Frontier Child Protection in the Southern and Eastern African Region – the Role of the Hague Children's Conventions" (Pretoria, South Africa, 22 – 25 February 2010);
   - the International Judicial Conference on Cross-Border Family Relocation (Washington, D.C., United States of America, 23 – 25 March 2010).

II. Current work

3. Cross-border mediation in family matters.

   See the "Review of activities of the Conference in regard to Mediation", Preliminary Document No 11 of February 2010.

4. Choice of law in international contracts.

   See "Choice of law in international contracts – Report of work carried out", Preliminary Document No 6 of March 2010.

5. Proposal for a Protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

   See also the proposal of Switzerland of August 2007 which was communicated to the National and Contact Organs of the Members, all States Parties to the 1980 Convention, and the other States and Organisations that attended the Fifth Meeting of the Special Commission to review the operation of the 1980 Convention, for their views (L.c. ON No 35(07), dated 1 November 2007); see Preliminary Document No 12 of March 2008.

III. Future work: new topics

Under this heading there will be a discussion of any new topics which have been, or may be, suggested by the governments, the international organisations or the Permanent Bureau. See Preliminary Document No 2 of February 2010 prepared by the Permanent Bureau, with comments on some of the topics below.

6. Feasibility of a Protocol to the *Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* to deal with the international recovery of maintenance in respect of vulnerable persons.

   See Preliminary Document No 3C of February 2010. Recommendation No 9, Final Act, Twenty-First Session, Part C, p. 55.

7. Accessing the content of foreign law and the need for the development of a global instrument in this area.

   See also "Accessing the content of foreign law", Preliminary Document No 11 of March 2009.

8. Continuation of the Judgments Project

   See Preliminary Document No 14 of February 2010.

9. The application of certain private international law techniques to aspects of international migration.

   See Preliminary Document No 7 (fourth follow-up note) of February 2010.

10. International Data Protection

    See Preliminary Document No 13 of March 2010.

11. Other topics retained by the Council on the Conference's Agenda –

    a) questions of private international law raised by the information society, including electronic commerce and e-justice;

    b) the conflict of jurisdictions, applicable law and international judicial and administrative co-operation in respect of civil liability for environmental damage;

       See Preliminary Document No 12 of February 2010;

    c) jurisdiction, and recognition and enforcement of decisions in matters of succession upon death;

d) jurisdiction, applicable law, and recognition and enforcement of judgments in respect of unmarried couples;

e) assessment and analysis of transnational legal issues relating to indirectly held securities and security interests, taking into account in particular the work undertaken by other international organisations.

6.00 p.m. Launch of the German section of the multilingual website of the Hague Conference, followed by a reception hosted by the Permanent Bureau, at the Academy Building.

Thursday 8 April 2010

IV. Round table on progress made concerning the signature and ratification of and accession to Conventions

12. Conventions adopted by the Twenty-First Session (2007) –

a) *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance;*

b) *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations*.

13. Convention adopted by the Twentieth Session (2005) –

Convention of 30 June 2005 on Choice of Court Agreements.

14. Convention adopted by the Nineteenth Session (2002) –

Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary.

15. Conventions adopted by the Eighteenth Session (1996) and by the Special Commission of a Diplomatic Character (1999) –

a) *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children;* and

b) *Convention of 13 January 2000 on the International Protection of Adults*.

16. Other Conventions adopted by the Hague Conference.

V. Monitoring, adaptation and support of Conventions

A. Conventions in the areas of commercial and finance law, and on legal co-operation and litigation

17. Follow up on the Special Commission of 2 – 12 February 2009 –

a) Apostille Convention;

b) Service Convention;

c) Evidence Convention; and

d) Access to Justice Convention.

See Preliminary Document No 15 of February 2010.

B. Conventions on international protection of children, vulnerable adults, international family and family property relations

18. Report on the activities in relation to the Conventions of 1980, 1993, 1996 and 2007 and, in particular –

a) follow-up on the Special Commission meeting of November 2007 on the implementation of the 2007 Child Support Convention and of the Protocol on Applicable Law;

See Preliminary Documents Nos 3A and 3B of February 2010.

b) follow-up on the Special Commission meeting of October-November 2006 on the practical operation of the 1980 Convention and the implementation of the 1996 Convention, including progress in relation to Guides to Good Practice; and planning for the next meeting of the Special Commission in 2011;

See Preliminary Document No 5 of February 2010.

c) preparation of the Special Commission of 2010 on the practical operation of the 1993 Convention, including progress in relation to Guides to Good Practice.

C. General issues

19. Monitoring and support of Conventions through information technology.

20. Judicial networking and direct judicial communications.

VI. Regional activities. International Centre for Judicial Studies and Technical assistance

21. Reports on:

a) Latin America;

b) Asia Pacific;

c) Malta Process;

d) Africa;

e) CIS States / Eastern Europe;

f) Achievements, current developments and future work programme 2009 - 2012 of the Centre;

g) Funding methods for the Centre, in particular in respect of countries identified as Official Development Assistance Recipients, in accordance with OECD criteria;

h) Supplementary Budget Part II.

Draft Supplementary Budget for Financial Year LVI (1 July 2010 – 30 June 2011) and Explanatory Notes (see Prel. Doc. No 9B of March 2010).

VII. Future work (cont'd)

Friday 9 April 2010

VIII. Organisation of the work of the Conference

22. The Strategic Plan.

Report on progress by the Secretariat (see Prel. Doc. No 4 of February 2010).

23. Proposed Budget for Financial Year LVI (1 July 2010 – 30 June 2011).

Draft Budget for Financial Year LVI (1 July 2010 – 30 June 2011) and Explanatory Notes (see Prel. Doc. No 8 of March 2010).

24. Supplementary Budget for Financial Year LVI (1 July 2010 – 30 June 2011), Part I Special Projects and Expenses.

Draft Supplementary Budget for Financial Year LVI (1 July 2010 – 30 June 2011) and Explanatory Notes (see Prel. Doc. No 9A of March 2010).

IX. Co-operation with other international organisations

25. Co-operation with UNCITRAL, UNIDROIT and other global organisations.

26. Co-operation with the European Union and other regional organisations; *oral remarks by the Secretariat.*

X. Conclusions

The meeting will end by 1.00 p.m. at the latest.

Annex A

Topics informally suggested to the Permanent Bureau –[1]

- development of a practical guide on comparative private international law (on a country-by-country or subject-by-subject basis);
- development of model bilateral agreements to facilitate the implementation of (multilateral) Hague Conventions;
- questions of private international law in relation to intellectual property issues;
- the international recovery of assets relevant to criminal law enforcement as well as to ordinary claims, and which is related to aspects of provisional and protective measures;
- questions in relation to status of children (excluding adoption), in particular recognition of parent-child relationships *(filiation)*;
- conventions (or model laws) on the law applicable to specific contracts (barter transactions; trading in futures on a stock exchange);
- cross-border regulatory issues: how to preserve, through international co-operation and mutual enforcement, the integrity of the growing variety of regulatory systems in a converging world;
- feasibility study on the provision of enhanced legal assistance in particular for categories of cases such as small and / or uncontested claims (suggestion by the Special Commission of 2 – 12 February 2009)[2].

[1] See Prel. Doc. No 20 of March 2002 for the attention of the Nineteenth Session: "Observations concerning the strategy of the Hague Conference in reply to the Secretary General's letter of 30/31 July 2001" (topics already previously mentioned in the Agenda have been omitted).

[2] Referred to Annex A by the Council on General Affairs and Policy of March - April 2009.