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HCCH

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

Annual Report

15

Annual Report 2015



Fore-word

by the Secretary General Christophe Bernasconi

Each year is a journey – and it is our pleasure to present you with this Annual Report for 2015, which charts the Hague Conference on Private International Law's (HCCH) journey through the year by tracking its continued growth, reporting on the many chief activities, and chronicling some major achievements.

I am delighted to report that in the year passed, the HCCH continued to grow. At the end of the year, membership comprised 80 Members (79 States and the European Union); an additional 68 States were parties to at least one Hague Convention without being a Member of the Organisation, bringing the total number of “connected” States to 147. Our steady growth is not only a reflection of our work's importance to facilitating human rights and economic activities. Rather, our growth is equally fuelled by the recognition that the evolution of our membership and the expanding reach of our Conventions means that our ongoing work and current and future instruments are and will be even more global in focus, character and nature.

Reflecting on our legislative mandate, I proudly highlight two important milestones for the HCCH. First, 2015 saw the Members' approval of a new instrument: the *Hague Principles on Choice of Law in International Commercial Contracts*. This instrument, a best practice international code concerning party autonomy in international commercial contracts, may serve as a model for national, regional, supranational or international laws and instruments and is the HCCH's first soft law instrument. Secondly, 2015 also saw the long-anticipated entry into force of the 2005 Choice of Court Convention. This important instrument, which enhances legal certainty while reducing the costs and uncertainties associated with cross-border dealings and disputes, now operates between 28 Contracting States.

Our journey will continue in 2016 – and there is indication aplenty that the coming year will again be an exciting one for the HCCH. The Judgments and the Parentage / Surrogacy Projects will possibly enter into decisive phases, while other projects continue to progress towards their completion with steady hand. I invite you to continue following our journey – a journey to build bridges between different legal systems towards global citizenship.

The Hague Conference on Private International Law (HCCH) builds bridges between different legal systems towards global citizenship.

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Its vision is to

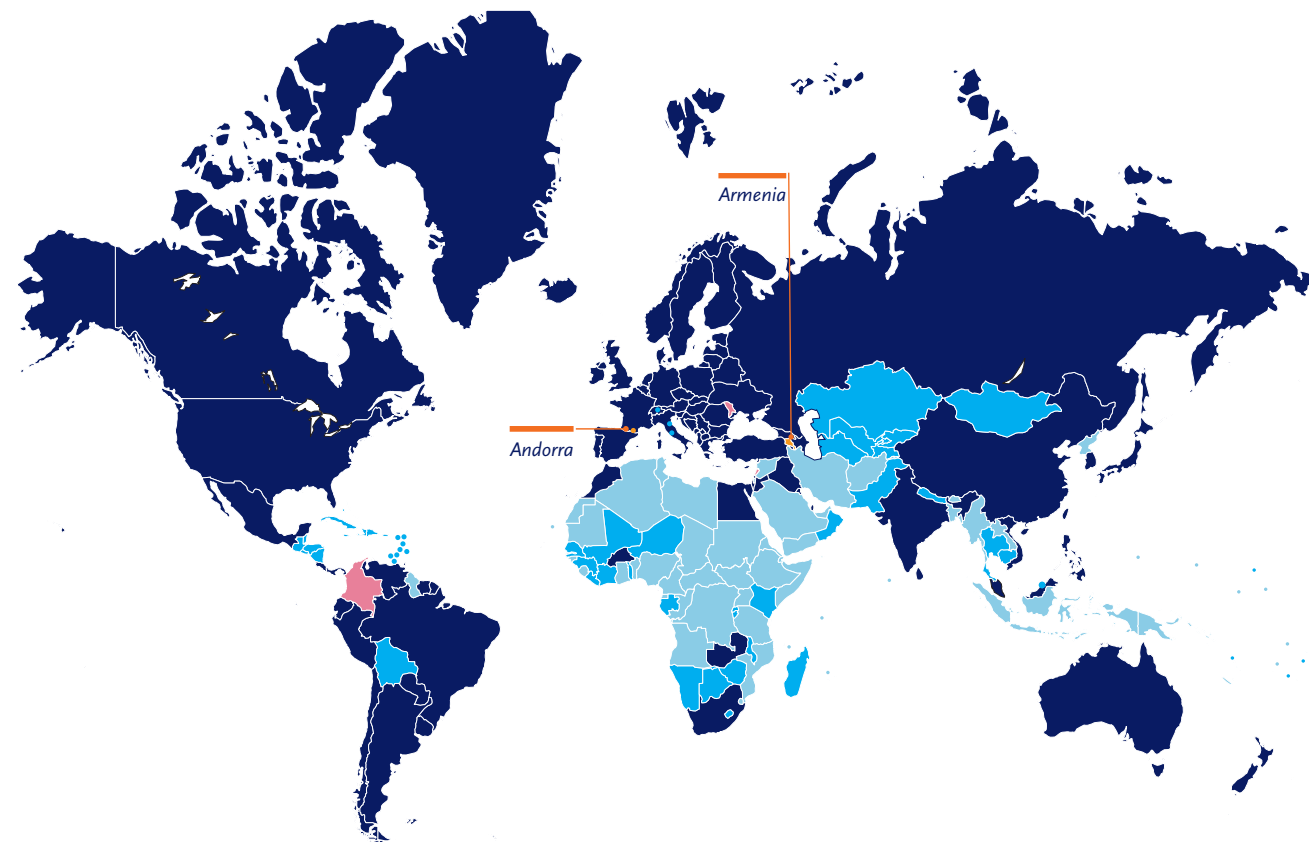
- work for a world in which individuals, families as well as companies and other entities whose lives and activities transcend the boundaries between different legal systems, enjoy a high degree of legal security; and
- promote the orderly and efficient settlement of disputes, good governance and the rule of law, while respecting the diversity of legal traditions.

Its mission is to

- be a forum for its Members for the development and implementation of common rules of private international law in order to co-ordinate the relationships between different private law systems in international situations;
- promote international judicial and administrative co-operation in the fields of protection of the family and children, civil procedure and commercial law;
- provide high-standard legal services and technical assistance for the benefit of Members and States Parties to Hague Conventions, their government officials, judiciary and practitioners; and
- provide high-quality and readily accessible information to Members and States Parties to Hague Conventions, their government officials, judiciary, practitioners and the public in general.

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2 new Members to the Hague Conference in 2015	The HCCH received € 307,280 of Voluntary Contributions from Member States and € 41,901 from other sources	175% increase of fans on Facebook; 103.45% increase of followers on LinkedIn; and 55.46% more views on Youtube in 2015
New Acessions in 2015: 1993 Intercountry Adoption Convention 3	New Acessions in 2015: 1961 Apostille Convention 5	
New Acessions in 2015: 1954 Civil Procedure Convention 1	New Acessions in 2015: 1980 Access to Justice Convention 1	New Acessions in 2015: 1965 Service Convention 1
	Launch of the new website www.hcch.net on 3 December 2015	



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- Members joining in 2015
- Members
- Non-Members and acceded to a Convention
- Admitted to become a Member (subject to acceptance of the Statute)

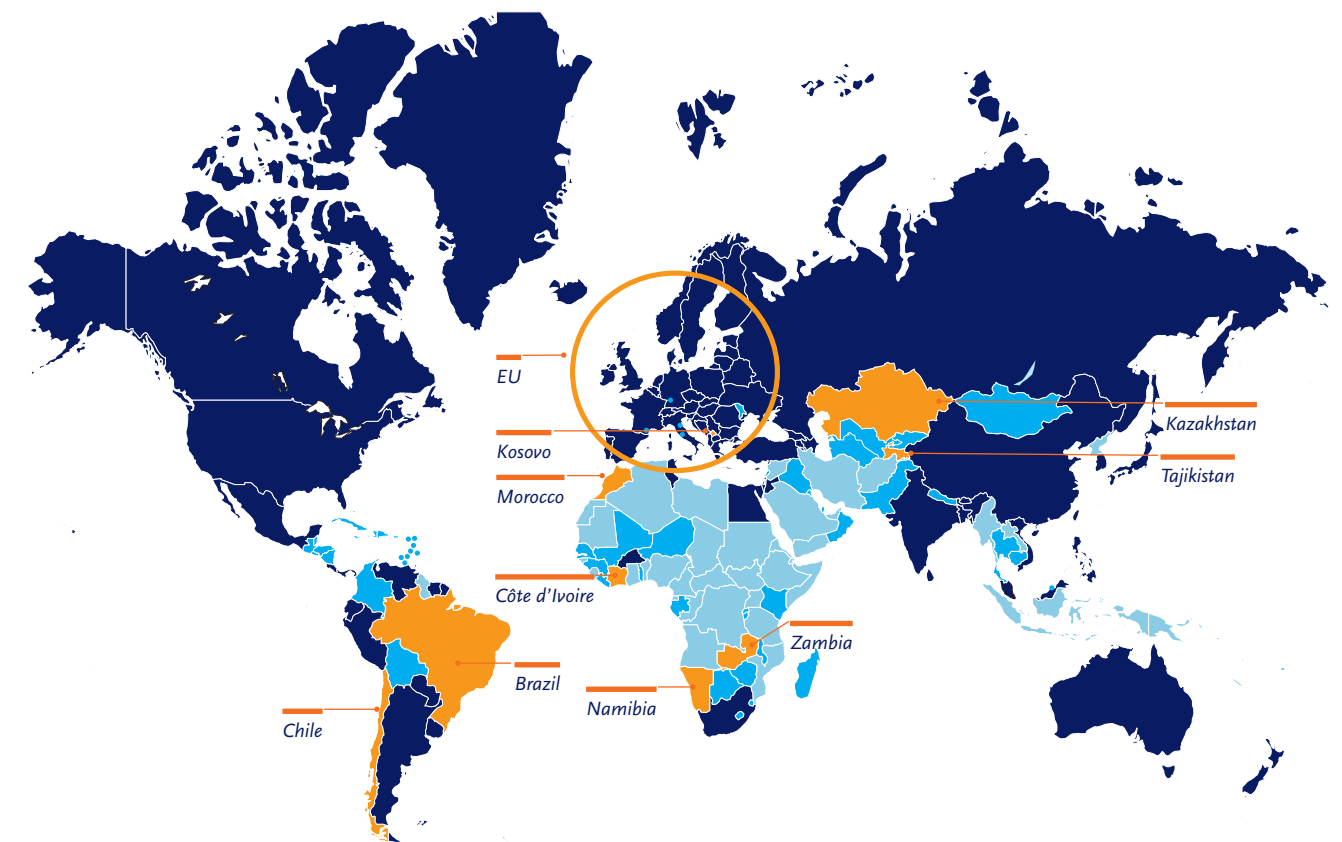
New Members in 2015

Andorra
Armenia

Admitted to become a Member (subject to acceptance of the Statute by admitted State)

Colombia
Lebanon
Moldova

Members



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- New Accessions in 2015
- Members
- Non-Members and acceded to a Convention

Accessions to Hague Conventions

Apostille Convention (1961)

Brazil**
Chile**
Kosovo**
Morocco**
Tajikistan*
Civil Procedure Convention (1954)
Kazakhstan*

Service Convention (1965)

Kazakhstan**

Justice Convention (1980)

Kazakhstan*

Intercountry Adoption Convention (1993)

Cote d'Ivoire*

Namibia**

Zambia*

* EIF: Entry into force in 2015

** EIF: Entry into force in 2016

New Accessions

Governance

Council on General Affairs and Policy

The 2015 meeting of the Council on General Affairs and Policy (Council) took place from 24 to 26 March 2015 at the Peace Palace, The Hague. At the meeting, participants witnessed:

- Singapore's signature of the 2005 Choice of Court Convention; and
- the proposal by the Government of the Netherlands to admit Moldova as a Member of the HCCH.

The Secretary General informed the Council that in a written procedure Members had approved the 2015 Hague Choice of Law Principles as the Organisation's 39th legislative instrument. The Council noted the importance of the instrument and supported its promotion, including by agreeing to seek the endorsement of the Principles from UNCITRAL (for more details, see "March", p. 21).

Concerning the HCCH's normative work programme, the Secretary General called upon the Council to consider how the Permanent Bureau's limited resources could be allocated more effectively and efficiently. He suggested considering reviewing the work programme to identify projects that should be the Organisation's focus in the coming year, or that may be removed for the time being. Heeding this call, the Council decided to afford the Judgments Project (see "October", p. 29) the status of a priority topic. The Council also remarked on the importance of the project on Parentage / Surrogacy, mandating the convening of an Experts' Group in February 2016, tasked with exploring the feasibility of advancing work in this area. The Council also tasked the Permanent Bureau with conducting a study concerning the desirability and feasibility of further work with respect to co-operation to protect tourists and visitors abroad. On the other hand, in an effort to slim the Organisation's work programme, the Council decided to remove from the topic accessing the content of foreign law.

With respect to the HCCH's non-normative work, the Council approved the:

- updated edition of the Practical Handbook on the Operation of the Service Convention; and
- new edition of the Practical Handbook on the Operation of the Evidence Convention.

With the approval of the content of these Handbooks, the Permanent Bureau was in a position to ready them for publication, with their release taking place on 28 January 2016. In relation to other non-normative work items, the Council welcomed:

- plans to convene a meeting of the Special Commission on the practical operation of the 1961 Apostille Convention, to be held in conjunction with the 10th International Forum on the e-APP in the second half of 2016;
- again the progress of the Working Group in developing a Guide to Good Practice on the interpretation and application of Article 13(1)(b) of the 1980 Child Abduction Convention;

- the work accomplished by the Permanent Bureau in relation to INCADAT and INCASTAT under the 1980 Child Abduction Convention; and
- the achievements in relation to the development of iSupport (the electronic case management and secure communication system) under the 2007 Child Support Convention.

The Council also considered the Report of the Working Group on Technical Assistance. This Working Group had been established to develop a strategic framework for technical assistance and post-Convention services provided by the HCCH, addressing, among other things, the nature and extent of technical assistance and post-Convention services; strategic objectives; as well as selection and prioritisation criteria for the provision of technical assistance. Participants welcomed the Working Group's Report and approved the Strategic Framework. The Council took this opportunity to welcome the achievements of the Permanent Bureau in the areas of education, training and technical assistance in relation to the Hague Conventions, and noted the need to secure funding to continue the position of the Intercountry Adoption Technical Assistance Programme Co-ordinator.

Finally, the participants of the Council also considered the HCCH's regional presence, including as a means to expanding the Organisation's geographical reach. Welcoming the reports by both the Latin American and the Asia Pacific Regional Offices, and strongly supporting their further activities in their respective regions, the Council also took note of the Africa Strategy proposed by the Permanent Bureau. This initiative, conceived to increase the HCCH's visibility and strengthen the promotion of the Organisation's activities on the African Continent, received strong support by the Council.

Council of Diplomatic Representatives

Presided over by Ms Jones-Bos, Secretary General of the Ministry of Foreign Affairs of the Netherlands, the Meeting of the Council of Diplomatic Representatives took place on 21 May 2015. The Council reviewed, and approved, the final accounts for the Organisation's Financial Year 1 July 2014 – 30 June 2015 (Year LX) and discharged the Secretary General from his responsibilities. The Council also approved the draft Budget for the Financial Year 1 July 2015 to 30 June 2016 (FY LXI), which proposed an overall increase of the total expenses by 2.61%, translating into an increase of the total contribution of the Member States of 2.16%, *i.e.*, an increase of the Member States' contributions per unit by 1.30%. Participants also received updates on a number of other issues, including the transition from the Supplementary Budget to a project-based voluntary contribution accounting regime; the outcomes produced by the Working Group on Financial Matters and Budgetary Practices; and the progress on consolidating the Staff Rules and Regulations applicable to the staff of the Permanent Bureau.

Working Group on Financial Matters and Budgetary Practices

The mandate of this Working Group was to prepare new draft Financial Regulations for the HCCH. The aim of this task was to restructure the Organisation's budgetary framework in order to modernise it and make it more transparent. The Working Group met twice in 2015 (28 February and 23 April), receiving assistance from the Friends of the Chair sub-group, which met on the same days. With a view to adopting the draft Financial Regulations it had prepared, the Working Group tabled its *Report of the Meeting of the Working Group on Financial Matters and Budgetary Practices of 23 April 2015* at the 2015 Council of Diplomatic Representatives. This Report comprised a draft of the Financial Regulations as proposed by the Working Group. The finalised draft Financial Rules were submitted to, and approved by, the Members, by means of a written procedure. They entered into force on 1 January 2016.

Sale of the building located at Scheveningseweg 6

With respect to the sale of the former headquarters of the Permanent Bureau, located at Scheveningseweg 6, a meeting of the Pensions / Building Working Group took place on 6 July 2015. At the meeting, participants analysed and discussed the Permanent Bureau's proposal to sell the property to an investor, thereafter allocating the entire proceeds of the sale to the HCCH's Pension Reserve Fund. On 17 July 2015, Members were invited to cast their vote in a formal written procedure. The voting period ended on 31 August 2015. With no opposing votes received, the Secretary General informed Members on 4 September 2015 of the impending sale of the property to the investor, and the subsequent allocation of the proceeds.

HCCH Staff Rules and Regulations

The HCCH applies the Staff Rules and Regulations of the OECD. Since the 1970s, these rules were applied "*sous réserve des adaptations nécessaires*". This resulted in a certain level of inconsistency in their application to the staff of the Permanent Bureau. To eliminate such inconsistencies in the future, and to make the application of the Staff Rules and Regulations more transparent, the Permanent Bureau commenced preparing consolidated Staff Rules and Regulations for the HCCH. In May 2015, an external consultant embarked on the task to identify those OECD Staff Rules that applied to staff of the HCCH as well as any gaps that existed and required closing. This work is ongoing.



January/February

ACTIVITIES

<p>> 14 16 January 2015</p> <p>ILA Committee on PIL and IP & Seminar on Intellectual Property and PIL <i>Geneva, Switzerland</i></p>	<p>> 18 22 January 2015</p> <p>Training on international family mediation (19-21 January) & Round table with representatives of the Russian Central Authority (22 January) <i>Moscow, Russian Federation</i></p>	<p>> 11 13 February 2015</p> <p>Expert Group meeting on insolvency & Meeting on Cloud Computing project at UNCITRAL <i>Vienna, Austria</i></p>
<p>> 12 13 February 2015</p> <p>Workshop on Opinion 1/13 of the European Court of Justice considering the question with respect to the expectance of the accession of a non-Union country to the 1980 Child Abduction Convention <i>Ferrara, Italy</i></p>	<p>> 23 24 February 2015</p> <p>Workshop on International Commercial Litigation at the Global Legal Forum 2015 <i>London, United Kingdom</i></p>	<p>> 23 25 February 2015</p> <p>IberRed meeting (Latin American Network for International Legal Co-operation) on international legal co-operation, including the operation and promotion of the Hague Children's Conventions <i>Panama City, Panama</i></p>
<p>> 25 27 February 2015</p> <p>Meetings with various Government officials and the American Chamber of Commerce of Guatemala on the 1961 Apostille and Child Protection Conventions and with UNICEF on the 1993 Intercountry Adoption Convention <i>Guatemala City, Guatemala</i></p>	<p>> 25 27 February 2015</p> <p>Awareness-raising Seminar in the context of mediation during enforcement struggles in cross-border family litigation <i>Brussels, Belgium</i></p>	

HCCH MEETINGS

<p>> 3 6 February 2015</p> <p>Fourth meeting of the Working Group on the Judgments Project <i>The Hague, the Netherlands</i></p>



March

ACTIVITIES

> 2 March 2015

Meeting of the Child Abduction Lawyers Association (“CALA”) Board of Directors
London, United Kingdom

> 5|6 March 2015

Preparatory meeting with the *Asociación Americana de Derecho Internacional* (ASADIP) (American Association of Private International Law) for the meeting of the Council on General Affairs and Policy of the Hague Conference
Rio de Janeiro, Brazil

> 9|11 March 2015

10th Anglophone – Germanophone Conference on practical developments and policy reforms in family law organised by the Judicial Office for International Family Justice for England and Wales
London, United Kingdom

> 10 March 2015

Final Conference of EuroMed Justice III Project
Barcelona, Spain

> 10|11 March 2015

Annual Family Law Conference
Cape Town, South Africa

> 19 March 2015

Symposium on Private International Law “International Civil Procedure & Brussels Ia” organised by the Asser Institute
The Hague, the Netherlands

HCCH MEETINGS

> 23 March 2015

Working Party on Mediation
The Hague, the Netherlands

> 24|26 March 2015

Meeting of the Council on General Affairs and Policy
The Hague, the Netherlands

March

APPROVAL OF THE 2015 HAGUE CHOICE OF LAW PRINCIPLES

On 19 March 2015, the HCCH approved its first normative soft law instrument, the 2015 Hague Choice of Law Principles. The Principles set forth general principles concerning choice of law in international commercial contracts, affirming party autonomy as a basis for the determination of the law applicable to international contracts.

The Principles address problems that may be encountered in honouring and defining the perimeters of choice of law in international contracts. By acknowledging that parties to a contract are considered to be in the best position to determine which law is most suitable for their transaction, the Principles encourage the spread of party autonomy to legal systems that have not yet (fully) embraced this concept, as well as the development and refinement of the concept where it is already accepted.

The Principles may be considered to be an international code of current best practice in relation to party autonomy in international commercial contracts and may serve as a model for national, regional, supranational or international instruments. In fact, this instrument already proved its usefulness in early 2015 by serving as a blueprint for the new Paraguayan law on the Law Applicable to International Contracts. The Principles’ usefulness in facilitating international trade was underscored by UNCITRAL’s endorsement of the Principles in July 2015, which commends the HCCH on having made “a valuable contribution to the facilitation of international trade by promoting the principle of party autonomy and reinforcing choice of law in international commercial contracts”. In November 2015, the International Chamber of Commerce appealed to authorities “to strengthen legal certainty for international contracts by implementing the newly approved Hague Principles” and recommended “States to incorporate the Principles [...] into their domestic choice of law regimes”. Currently, the Principles and their accompanying Commentary are available in the two official languages of the Hague Conference, French and English, while a Spanish version will soon be available. The Preamble and 12 articles of the instrument are also available in Arabic, Chinese and Russian.



April

ACTIVITIES

> 1|4 April 2015

Seminar on Parental Care and the Best Interests of the Child in Muslim Countries
Rabat, Morocco

> 23 April 2015

Meeting on the analysis of the 1996 Child Protection and 2007 Maintenance Conventions
Lima, Peru

> 24 April 2015

Meeting of the Committee for the Administration of Funds (CAF)
Paris, France

> 24|25 April 2015

Training for judges and prosecutors on the 1996 Child Protection and 2007 Maintenance Conventions
Lima, Peru

> 30 April 2015

HCCH-UNIDROIT-UNCITRAL Tripartite Annual Co-ordination Meeting
Vienna, Austria

HCCH MEETINGS

> 23 April 2015

Budget Meeting / Working Group on Financial Matters and Budgetary Practices
The Hague, the Netherlands



May

ACTIVITIES

> 11 May 2015

Working Group on e-Law (e-Justice) at the Council of the European Union
Brussels, Belgium

> 17|19 May 2015

Symposium on Surrogacy organised by the International Academy of Matrimonial Lawyers (IAML)
London, United Kingdom

> 18|21 May 2015

Meetings on the 2007 Maintenance Convention, the iSupport Project and Child Protection projects with the Department of Justice & UNDOC
Vienna, Austria

> 21 May 2015

Meeting on the 2005 Choice of Court Convention – Foundation for Research in Law and Business
Madrid, Spain

> 21|22 May 2015

Judicial training on the 1980 Child Abduction Convention
Cordoba, Argentina

> 22 May 2015

Annual PIL Seminar organised by the Complutense University
Madrid, Spain

> 25|29 May 2015

St Petersburg International Legal Forum
St Petersburg, Russian Federation

> 26|30 May 2015

UNCITRAL 47th Session of the Working Group V on Insolvency Law
New York, U.S.A.

> 26|27 May 2015

Seminar on the Choice of Court Convention organised by the Academy of Jurisprudence and Legislation of Catalonia
Barcelona, Spain

> 27|29 May 2015

Second Working Group Session of the Iberoamerican Judicial Summit / International Judicial Co-operation Working Group
Bogotá, Colombia

> 28|29 May 2015

German-Swiss Symposium on Mediation – MiKK e.V. – *Mediation bei Internationale Kindschaftskonflikten* (Mediation in International Conflicts Involving Parents and Children)
Bern, Switzerland

HCCH MEETINGS

> 21 May 2015

Council of Diplomatic Representatives
The Hague, The Netherlands



June

ACTIVITIES

> 1|4 June 2015

Meeting of the International Law Institute on the role of International Organisations, in particular UNCITRAL, UNIDROIT and the HCCH
Washington DC, U.S.A.

> 4|5 June 2015

22nd Congress of the International Union of Judicial Officers
Madrid, Spain

> 11|13 June 2015

Academic Council on the United Nations System (ACUNS) 2015 Annual Meeting – The Hague Institute for Global Justice & International Institute of Social Studies
The Hague, the Netherlands

> 17|18 June 2015

Conference on Jurisdiction & Dispute Resolution in the Internet Era
Geneva, Switzerland

HCCH MEETINGS

> 8|12 June 2015

Special Commission on the Practical Operation of the 1993 Intercountry Adoption Convention
The Hague, the Netherlands

> 15|17 June 2015

Regional Meeting: International Family Law, Legal Co-operation and Commerce: Promoting Human Rights and cross-border Trade in the Caribbean through Hague Conventions
Port of Spain, Trinidad & Tobago

> 22|27 June 2015

HCCH Asia Pacific week:

- Symposium: Towards the Well-Being of the Child through the Hague Child Abduction and Protection of Children Conventions
Macao, SAR People's Republic of China
- "A Judicial Studies Programme & HCCH Seminar – The Hochelaga Lectures 2015: The Judiciary's Role in Safeguarding the Well-being of the Child".
Hong Kong SAR, People's Republic of China
- Securities Convention Event
Beijing, China

June

SPECIAL COMMISSION TO REVIEW THE PRACTICAL OPERATION OF THE 1993 INTERCOUNTRY ADOPTION CONVENTION

From 8 to 12 June 2015, the HCCH convened a meeting of a Special Commission to review the practical operation of the 1993 Intercountry Adoption Convention. This Convention establishes safeguards to ensure that intercountry adoption takes place in the best interests of the child.

Special Commissions of this type, which are held periodically, are convened to assess and improve the operation of the Conventions they relate to. On this occasion, more than 255 experts, representing 74 countries and 18 international organisations, participated and discussed a broad range of current issues concerning the 1993 Intercountry Adoption Convention. Over four days, participants deliberated, for example, the achievements and the challenges in the implementation of the Convention 20 years after it entered into force; the concept of habitual residence in relation to the Convention; the adoption of children with special needs; post-adoption support; co-operation amongst States; issues of procedure; and the use of modern technologies in adoption.

Providing a unique forum for the authorities of the Contracting States, and for States considering joining the Convention, participants eagerly shared their concerns and experiences regarding the interpretation and application of the instrument. As a result, the Special Commission recommended that, amongst other matters, work should continue to develop further the guidance on habitual residence and to develop a number of model forms designed to facilitate the intercountry adoption process. The Special Commission also recommended that the Experts' Group on the Financial Aspects of Intercountry Adoption and the Working Group on Preventing and Addressing Illicit Practices continue their work.

New features introduced at this Special Commission included: preparatory training for new States Parties to the Convention, or States considering joining the Convention, prior to the meeting; interactive roundtable sessions; elective concurrent sessions on a number of topics; and a new user-friendly format for fact sheets.

The Special Commission welcomed two new States Parties (Zambia and Cote d'Ivoire) and applauded a "Declaration on the need to develop a harmonised framework for the adoption of children in Africa", submitted by the African delegations present. Participants further agreed that for the benefit of future States Parties, the Permanent Bureau should develop practical guidance on developing a national legal framework for adoption. Finally, the participants recognised once more the great value of the Hague Conference's Intercountry Adoption Technical Assistance Programme ("ICATAP"), which provides critical support to States in the implementation and operation of the Convention.



July/August

ACTIVITIES

> 10 July 2015

Symposium “For Advancement of Family Placement Inter-country-Adoption: Learning from Experiences of Sending Countries” International Social Service (ISS)
Tokyo, Japan

> 3/5 August 2015

Workshop on the 1980 Child Abduction Convention at *Centro de Formación de la Co-operación Española* (Spanish Co-operation Training Centre)
Montevideo, Uruguay

> 18 August 2015

Training on the 1980 Child Abduction Convention at the Center for Justice and International Law
Buenos Aires, Argentina

> 16/19 August 2015

Meeting in preparation of the fourth Malta Conference
Valletta, Malta

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September

ACTIVITIES

> 3/5 September 2015

Conference to celebrate the 10th Conference of the Journal for Private International Law
Cambridge, United Kingdom

> 8 September 2015

Working Group on e-Law (e-Justice) – Expert Group on Videoconferencing
Brussels, Belgium

> 11 September 2015

Seminar on human rights and ethical issues related to surrogacy
Paris, France

> 11 September 2015

Conference on the Presentation of the ICC Study on “Developing Neutral Legal Standards for International Contracts”, organised by the International Chamber of Commerce
Rome, Italy

> 12/16 September 2015

Symposium on International Parental Child Abduction
Abu Dhabi, United Arab Emirates

> 14 September 2015

Seminar on Commercial Private International Law in East & Southern Africa
Johannesburg, South Africa

> 16/17 September 2015

Meeting of the International Trademark Association (INTA) on Government Relations Programme, organised by the World Intellectual Property Organization (WIPO)
Geneva, Switzerland

> 18/20 September 2015

Meeting of the European Group for Private International Law (EGPIL)
Luxembourg City, Luxembourg

> 21/22 September 2015

Meeting with the Council of Europe Administrative Tribunal
Strasbourg, France

> 21/24 September 2015

Meetings on the 1961 Apostille, 2005 Choice of Court and 1980 Child Abduction Conventions, organised by the International Finance Corporation (IFC) (World Bank Group)
Pristina, Kosovo

> 23 September 2015

IberRed meeting on the 2007 Maintenance Convention
Cartagena de Indias, Colombia

> 23/25 September 2015

Academy of European Law “Annual Conference on European Family Law”
Trier, Germany

> 23/25 September 2015

Conference on the CAHDI contribution to the development of public international law & 50th meeting of CAHDI
Strasbourg, France

> 23/25 September 2015

Iberoamerican Summit Workshop on international judicial co-operation
Panama City, Panama

> 25 September 2015

Meeting with the International Services for Remunerations and Pensions (ISRP)
Paris, France

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October

ACTIVITIES

> 12 October 2015 Holt Korea's 60 th anniversary (adoption and child welfare services for Korean orphans and homeless children) <i>Seoul, Korea</i>	> 15 16 October 2015 Third Annual Official Conference on International Abduction Cases and Unlawful Removal of Children <i>Bratislava, Slovak Republic</i>	> 21 23 October 2015 ISS/HCCH Conference on cross- border child protection: legal & social perspectives <i>Geneva, Switzerland</i>
> 26 27 October 2015 Portuguese-African Conference on the Civil Aspects of International Child Abduction <i>Lisbon, Portugal</i>	> 28 31 October 2015 Annual meeting of the <i>Asociación Americana de Derecho Internacional</i> (ASADIP) (American Association of Private International Law) <i>Panama City, Panama</i>	

HCCH MEETINGS

> 26 31 October 2015 Fifth meeting of the Working Group on the Judgments Project <i>The Hague, the Netherlands</i>

October

ENTRY INTO FORCE OF THE 2005 CHOICE OF COURT CONVENTION AND THE HCCH'S CONTINUED WORK IN THE AREA OF THE RECOGNITION AND ENFORCEMENT OF JUDGMENTS

1 October 2015 marked a significant milestone for the HCCH: the 2005 Choice of Court Convention entered into force in 28 States, namely in Mexico and in the European Union (except Denmark). This Convention ensures the effectiveness of choice of court agreements in international commercial transactions and secures the recognition and enforcement of judgments rendered pursuant to those agreements. By enhancing legal certainty and reducing the costs and uncertainties associated with cross-border dealings and disputes, the Choice of Court Convention promotes the facilitation of trade and investment, thus contributing to economic growth.

The interest in the Convention has significantly increased, and it is anticipated that its entry into force will encourage additional ratifications. On 25 March 2015, Singapore signed the Convention and ratification is expected in the course of 2016. The international legal and economic communities strongly support the further consolidation of the Convention's status, as underscored by the participants in the Asia Pacific Economic Co-operation (APEC) workshop on "The effective enforcement of business contracts and efficient resolution of business disputes through the 2005 Choice of Court Convention", held in Cebu, the Philippines on 1 September 2015.

Furthermore, work towards a new Convention on recognition and enforcement of foreign judgments successfully progressed in the course of 2015. Further to its February meeting, in October 2015, the Working Group on the Judgments Project completed its mandate and submitted to Council a Proposed Draft Text on the recognition and enforcement of foreign judgments in civil and commercial matters. The Proposed Draft Text provides the bases for the recognition and enforcement of a foreign judgment, and it sets out the sole grounds on which a court may refuse the recognition and enforcement of such a judgment. In principle, the Proposed Draft Text does not prevent recognition and enforcement of judgments in a Contracting State under national law or under other treaties. Its scope extends to civil and commercial matters, including consumer and employment contracts, as well as intellectual property rights. Subject to Council's approval, the Proposed Draft Text will be submitted for consideration to a Special Commission to be convened, if possible, in June 2016. In response to Council's request, the Working Group also recommended that matters relating to direct jurisdiction, including exorbitant grounds and *lis pendens*, be considered by the Experts' Group on the Judgments Project, which should meet soon after the Special Commission has drawn up a draft Convention.



November

ACTIVITIES

> 2 November 2015

Conference to celebrate 50 Years of the 1965 Service Convention & 45 Years of the 1970 Evidence Convention
Washington DC, U.S.A.

> 3 November 2015

26th Legal Advisers Meeting – Panel on the Vienna Convention on Consular Relations
New York, U.S.A.

> 3/4 November 2015

Conference on the 1985 Hague Trusts Convention
Lausanne, Switzerland

> 5/7 November 2015

2015 International Law Weekend
New York, U.S.A.

> 6 November 2015

Meeting with the Committee for the Administration of Funds (CAF)
Paris, France

> 6 November 2015

Meeting on the Hague Children's Conventions – Organization of American States (OAS) Human Rights Commission
Washington DC, U.S.A.

> 12 November 2015

Law Society Event on the Entry into Force of the 2015 Choice of Court Convention
London, United Kingdom

> 13 November 2015

Meeting of the International Chamber of Commerce Communication on Commercial Law in Practice
Paris, France

> 18/26 November 2015

Meetings on Hague Conventions in Latin America
Argentina, Brazil and Chile

> 25/27 November 2015

European Law Institute (ELI) UNIDROIT Conference “Building European Rules of Civil Procedure – From Transnational Principles to European Rules of Civil Procedure” (in co-operation with ERA)
Trier, Germany

HCCH MEETINGS

> 2/4 November 2015

Second Meeting of the Experts' Group on cross-border recognition and enforcement of agreements in family matters involving children
The Hague, the Netherlands

> 9/13 November 2015

HCCH Asia Pacific Week:
• Conference on the Recovery of Maintenance in Asia Pacific and Worldwide
• Second Global Meeting of the International Hague Network of Judges
Hong Kong SAR, People's Republic of China

> 10/12 November 2015

Seminar on International Family Law, Legal Co-operation and Commerce: Promoting the Rule of Law and Cross-border Trade in Central Asia through the Hague Conventions – A Regional Seminar for Kazakhstan, Tajikistan and Turkmenistan, as well as the Russian Federation and Belarus
Astana, Kazakhstan

November

EXPERTS' GROUP ON CROSS-BORDER RECOGNITION AND ENFORCEMENT OF AGREEMENTS IN FAMILY MATTERS INVOLVING CHILDREN

From 2 to 4 November 2015, a second meeting of the Experts' Group on cross-border recognition and enforcement of agreements in family matters involving children was convened at the Permanent Bureau.

At its first meeting in December 2013, the Group discussed the nature and extent of the legal challenges arising in the context of recognition and enforcement of voluntary agreements reached in the course of international child disputes. The Group acknowledged the increase in mobility of families and the need for the agreements to be “portable”. The Group also noted the important role party autonomy plays in international family law and the value of providing tailor-made and comprehensive solutions that are likely to be respected by the parties. In 2014, the Permanent Bureau circulated a questionnaire to private practitioners, judges, academics, government officials and Central Authorities personnel. It also convened the second meeting of the Group with the aim to consider the role of existing Hague Family Law Conventions in cross-border recognition and enforcement of agreements in international child disputes. The Group considered questions concerning the impact an additional instrument may have on the practical use and cross-border “portability” of such agreements. To discharge its tasks effectively and efficiently, the composition of the Experts' Group was expanded to include more judges and private practitioners.

The discussions of the second meeting of the Experts' Group focused on the responses to the questionnaire, assessing the desirability and feasibility of both a binding and non-binding instrument. The Group concluded that there is a need to explore further the development of a non-binding navigation tool that could assist those who apply existing Hague Family Law Conventions to agreements in family matters. Cognisant of the difficulties that “package agreements” encounter when they “travel” across borders, especially where their scope goes beyond the provisions of the existing Hague Family Law Conventions, the Group also concluded that the development of a binding legal instrument could help to secure the recognition and enforcement of such agreements. The Group reports to the next meeting of the Council on General Affairs and Policy in March 2016.



December

ACTIVITIES

> 1 December 2015

Workshop on Adoption and Cross-Border Legal Issues in the European Union – European Union
Brussels, Belgium

> 1 December 2015

United Nations Commission on International Trade Law (UNCITRAL): Meeting on 35 years of the 1986 Convention on Contracts for the International Sale of Goods (CISG)
Zagreb, Croatia

> 1/2 December 2015

Conference on research carried out on the Brussels Ila Regulation
London, United Kingdom

> 3 December 2015

Launch of the new HCCH website
<www.hcch.net>

> 10/11 December 2015

Event to celebrate the launch of ASIME – Spanish Association of Lawyers specialised in international child protection
Madrid, Spain

> 17/21 December 2015

Promotion of the 2015 Hague Choice of Law Principles
Kyoto, Japan

HCCH MEETINGS

> 1 December 2015

First meeting of the Members on the review of the Staff Rules of the Hague Conference on Private International Law

> 2/4 December 2015

Experts' Group meeting on the use of Video-Link and other Modern Technologies in the Taking of Evidence Abroad
The Hague, the Netherlands

> 8/9 December 2015

Seminar on International Family Law, Legal Co-operation and Commerce: Promoting the Rule of Law and Cross-border Trade in MENA countries – A regional seminar for Bahrain, Jordan, Morocco and Tunisia
Amman, Jordan

Outlook 2016

21/23 January

Working Group, Article 13(1)(b) In January 2016, the Working Group established to draft a Guide to Good Practice to promote consistent implementation of Article 13(1)(b) of the 1980 Child Abduction Convention will meet for the fourth time and will discuss a draft text of the Guide prepared by the Permanent Bureau.

15/18 February

Experts' Group on Parentage / Surrogacy The purpose of the Experts' Group on Parentage / Surrogacy is to explore the feasibility of advancing work on the private international law issues surrounding the status of children, including issues arising from international surrogacy arrangements. This Group will be attended by experts from Member States representing different regions.

1/9 June

Special Commission on the Judgments Project In June 2016, the Special Commission, which was convened by Council on General Affairs and Policy early this year, will meet for the first time to prepare a draft Convention on the recognition and enforcement of foreign judgments. Experts from all Members of the Hague Conference on Private International Law, as well as selected Inter-Governmental Organisations and Non-Governmental Organisations, are invited to participate in this new phase of a priority project of the Hague Conference. The Special Commission, which may meet for a second time in February 2017, is expected to produce a draft Convention for submission to a Diplomatic Session in due time.

1 /4 November

Special Commission Apostille The Special Commission meeting will bring together experts from around the world to discuss the effective operation of the Apostille Convention and consider questions that have arisen in its application since the last meeting in 2012. In 2016, the Special Commission meeting will also be preceded by the 10th International Forum on the e-APP on 1 November.



Monetary and Non-Monetary Contributions

HCCH

MONETARY CONTRIBUTIONS FROM MEMBERS

Donor	Instrument or purpose
Andorra	1993 Intercountry Adoption
Australia	2005 Choice of Court; the international jurisdiction of courts and the recognition and enforcement of their judgments abroad
Australia	1993 Intercountry Adoption
Belgium (Flemish Community)	1993 Intercountry Adoption
Belgium (Francophone Community)	1993 Intercountry Adoption
France	1993 Intercountry Adoption
Germany	1980 Child Abduction
Hong Kong SAR	Asia Pacific Regional Office
Mexico	1993 Intercountry Adoption
Monaco	1993 Intercountry Adoption
Panama	1993 Intercountry Adoption
Spain	1993 Intercountry Adoption
Switzerland	1993 Intercountry Adoption
The Netherlands	1993 Intercountry Adoption
The Philippines	1993 Intercountry Adoption

MONETARY CONTRIBUTIONS FROM OTHER SOURCES

Donor	Instrument or purpose
Mr Victor Dawes SC (Hong Kong) (private practice)	1980 Child Abduction; 1996 Child Protection
International Social Service (ISS) Japan	1980 Child Abduction; 1996 Child Protection
Mr Richard Khaw SC (Hong Kong) (private practice)	1980 Child Abduction; 1996 Child Protection
Mr Bernard Man SC (Hong Kong) (private practice)	1980 Child Abduction; 1996 Child Protection
Prof. Anselmo Reyes	1980 Child Abduction; 1996 Child Protection

NON-MONETARY CONTRIBUTIONS FROM MEMBERS

Donor	Instrument or purpose
Argentina	Latin American Regional Office ; 1980 Child Abduction
Brazil	1961 Apostille; 1980 Child Abduction; 2007 Child Support
Canada	INCASTAT
China	Secondment of a Legal Officer at the Asia Pacific Regional Office; Judgments Project
Korea	Secondment of a Judge at the Permanent Bureau
Spain	2015 Choice of Law
Panama	1965 Service; 1970 Evidence; 1980 Child Abduction; 1996 Child Protection
Uruguay	1980 Child Abduction
The Hague Municipality	Judgments Project
United States of America	1961 Apostille; 1965 Service; 1970 Evidence; 1980 Child Abduction; 1993 Intercountry Adoption; 1996 Child Protection; 2005 Choice of Court; 2007 Child Support; 2015 Choice of Law; Parentage / Surrogacy Project

NON-MONETARY CONTRIBUTIONS FROM OTHER SOURCES

Donor	Instrument or purpose
Center for Mediation and Law in Moscow / Scientific and Methodological Center for Mediation, Moscow, Russian Federation	1980 Child Abduction; 1996 Child Protection
Child Focus, Brussels, Belgium	1980 Child Abduction; 1996 Child Protection
Commonwealth Secretariat	1961 Apostille; 1965 Service; 1970 Evidence; 1980 Child Abduction; 1993 Intercountry Adoption; 1996 Child Protection; 2005 Choice of Court; 2007 Child Support; 2015 Choice of Law
Council of Europe	Parentage / Surrogacy
German Foundation for International Legal Co-operation (IRZ), Germany	1961 Apostille; 1970 Evidence; 1980 Child Abduction; 1996 Child Protection; 2007 Child Support; 2015 Choice of Law

Government of Trinidad and Tobago	1961 Apostille; 1965 Service; 1970 Evidence; 1980 Child Abduction; 1993 Intercountry Adoption; 1996 Child Protection; 2005 Choice of Court; 2007 Child Support; 2015 Choice of Law
Holt International	1993 Intercountry Adoption
International Centre for Missing and Exploited Children (ICMEC)	INCASTAT
JonesDay - private practice	Judgments Project
Judicial Office for International Family Justice for England and Wales, UK	1980 Child Abduction; 1996 Child Protection
Max Planck Institute, Hamburg, Germany	1980 Child Abduction; 1996 Child Protection
MiKK e.V. - Mediation bei internationalen Kindschaftskonflikten (Mediation in International Conflicts Involving Parents and Children), Berlin, Germany, in co-operation with the German Embassy in Bern	1980 Child Abduction; 1996 Child Protection
The Scientific and Methodological Center for Mediation in Moscow, Russian Federation	1980 Child Abduction; 1996 Child Protection
United Nations	2015 Choice of Law
Verband binationaler Familien und Partnerschaften, iaf e.V. (Association of Binational Families and Partnerships), Munich, Germany	1980 Child Abduction, 1996 Child Protection; 2007 Child Support

iSupport

MONETARY CONTRIBUTIONS

Donor
Switzerland
Norway
Portugal – Directorate General for the Administration of Justice
Portugal – Institute of Financial management and Infrastructure of Justice
Estonia
The Netherlands

NON-MONETARY CONTRIBUTIONS

Donor
Child Focus, Brussels (Belgium)

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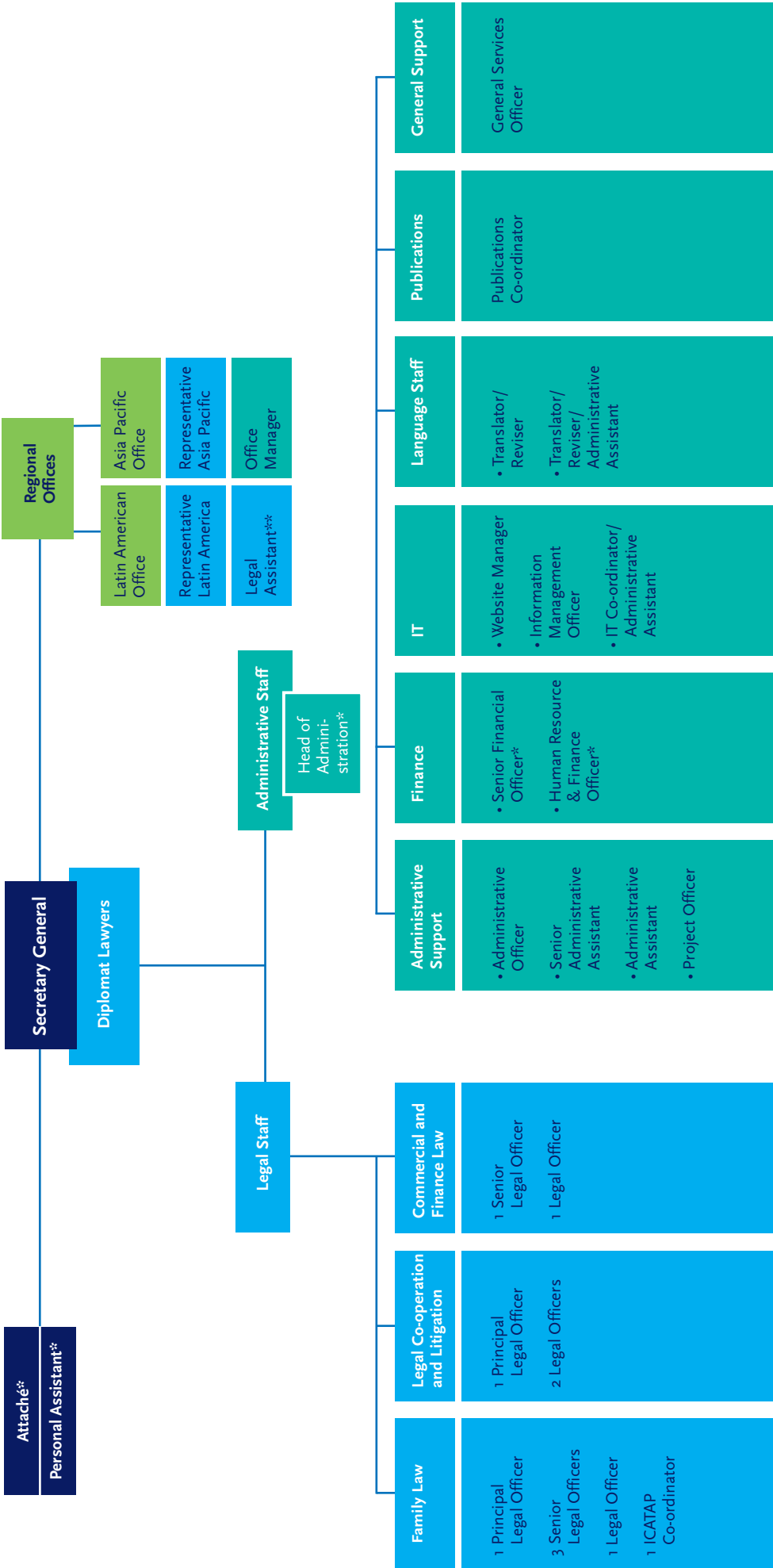
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Mr Voris YATIMOV

Organisational Chart of the Permanent Bureau (2015)



Staff resources:
Total FTEs as of 31-12-2015: 31.15 (27.15 Regular Budget / 4 Supplementary Budget)
Interns, temporary staff and experts on secondment are not reflected in this chart

* Member of the Secretary General's Office
** Consultant



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Photos
p. 2: Statesman Building /
Joop van Reeken
p. 40: Urban crowd from above /
George Clerk
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