

**Conclusions and Recommendations
adopted by the Council**

Welcome to new Members

The Council extended a warm welcome to Ecuador and India as new Members of the Hague Conference.

Twenty-First Session

The Council welcomed the adoption by the Twenty-First Session of the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* and of the *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations*. The Council noted the Recommendations of the Session and recognised the need to organise a Special Commission on the implementation of the instruments, preferably in 2009.

Future work

Cross-border mediation in family matters

The Council invited the Permanent Bureau to continue to follow, and keep Members informed of, developments in respect of cross-border mediation in family matters. The Permanent Bureau is asked to begin work on a Guide to Good Practice on the subject. As a first step, a Guide to Good Practice on the use of mediation in the context of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* should be prepared, to be submitted for consideration at the next meeting of the Special Commission to review the practical operation of that Convention, which is likely to be held in 2011.

Choice of law in international contracts

The Council invited the Permanent Bureau to continue its exploration of this topic concerning international business to business contracts with a view to promoting party autonomy. The Permanent Bureau is asked to explore, in co-operation with relevant international organisations and interested experts, the feasibility of drafting a non-binding instrument, including the specific form that such an instrument might take. The Permanent Bureau is invited to report and, if possible, to make a recommendation as to future action to the Council in 2009.

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

The Council invited the Permanent Bureau to continue to explore mechanisms to improve global access to information on the content of foreign law, including at the litigation stage. The Permanent Bureau is invited to report and, if possible, to make a recommendation as to future action to the Council in 2009.

Proposal submitted by Switzerland for a Protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

The Council decided to reserve for future consideration the feasibility of a Protocol to the 1980 Convention containing auxiliary rules designed to improve the operation of the Convention.

Feasibility of a Protocol to the *Hague Convention of 23 November 2007 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

Having regard to the Recommendation made by the Twenty-First Session of the Conference, the Council invited the Permanent Bureau to prepare a questionnaire on the feasibility of developing a Protocol to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*. The responses should be submitted to the Special Commission on the implementation of that Convention and a report made to the Council meeting of 2010.

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

The Council invited the Permanent Bureau to continue to explore legal and technical issues related to certain aspects of international migration, in consultation with interested Members and relevant international organisations.

Other topics

The Council invited the Permanent Bureau to continue to follow developments in the following areas –

- a) questions of private international law raised by the information society, including electronic commerce;
- b) the conflict of jurisdictions, applicable law and international judicial and administrative co-operation in respect of civil liability for environmental damage;
- 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.

Post-Convention services

The Council once again expressed its support for the broad range of activities currently being carried out by the Permanent Bureau to promote and to ensure the effective implementation and operation of the Hague Conventions, including through the development of regional programmes.

The Council welcomed the activities currently being undertaken by the Permanent Bureau in the areas of education, training and technical assistance in relation to the Hague Conventions, and in particular the development of the International Centre for Judicial Studies and Technical Assistance, made possible by generous funding through the Supplementary Budget.

The Council reiterated its support for the core activities of the Permanent Bureau in relation to the use and the development of information technology systems in support of Hague Conventions in the areas of legal co-operation and family law.