

[Version française ci-après](#)



L.c. A No 15(17)

### ***Status of New Staff Rules of the Hague Conference on Private International Law***

The Permanent Bureau of the Hague Conference on Private International Law presents its compliments to the Diplomatic Missions of the Member States and has the honour to transmit to them a Note Verbale from the Embassy of the Russian Federation received today, Tuesday 4 April 2017.

For ease of reference, the Permanent Bureau takes the liberty of reproducing C&R No 41 and No 42 adopted by the Council on General Affairs and Policy at its March 2017 meeting:

#### *Framework of voting by correspondence, including e-mail*

“The Council discussed the Permanent Bureau’s paper on written voting procedure and directed the Permanent Bureau to do further work on the development on these rules through informal consultations, to be discussed at the 2018 meeting of the Council.”

#### *Management efficiency initiatives*

“The Council received the update from the Permanent Bureau on the Staff Rules. The Chair noted concerns raised in relation to the procedure applied for the approval of the Staff Rules. Further discussions are properly within the remit of the Council of Diplomatic Representatives.”

The Permanent Bureau also wishes to inform Member States that the status of the Staff Rules has been added to the draft agenda of the Council of Diplomatic Representatives’ (CDR) meeting to be held on 23 May 2017, as announced during the Standing Committee meeting of 23 March 2017 (see paras 1 to 7 of the Report of the Standing Committee meeting). The draft Agenda of the CDR meeting is currently being finalised and will be distributed in due course.

The Permanent Bureau avails itself of this opportunity to renew to the Diplomatic Missions of the Member States assurances of its highest consideration.

THE HAGUE, 4 April 2017

To the Diplomatic Missions of the Member States  
Copy for information to the National and Contact Organs of the Members  
Copy to the European Union

---



L.c. A No 15(17)

***Situation relative au nouveau Règlement du personnel de la Conférence de La Haye de droit international privé***

Le Bureau Permanent de la Conférence de La Haye de droit international privé présente ses compliments aux Missions diplomatiques des États membres et a l'honneur de leur transmettre une Note Verbale (en anglais uniquement) émanant de l'ambassade de la Fédération de Russie, reçue ce jour, le mardi 4 avril 2017.

Pour information, le Bureau Permanent se permet de reproduire les Conclusions et Recommandations No 41 et 42 adoptées par le Conseil sur les affaires générales et la politique lors de sa réunion de mars 2017 :

*Cadre juridique pour les votes par correspondance, y compris par courriel*

*« Le Conseil s'est intéressé au document du Bureau Permanent consacré à la procédure de votes et a confié au Bureau Permanent le soin de poursuivre ses travaux en matière d'élaboration de règles en la matière au moyen de consultations informelles, dans l'optique d'en discuter lors de la réunion du Conseil de 2018. »*

*Initiatives d'efficacité et de gestion*

*« Le Conseil a accueilli l'actualisation du Bureau Permanent concernant le Règlement du personnel. Le Président a relevé les inquiétudes soulevées quant à la procédure appliquée pour l'approbation du Règlement du personnel. Toute discussion supplémentaire sur ce point relève du Conseil des Représentants diplomatiques. »*

Le Bureau Permanent souhaite également informer les États membres que le statut du Règlement du personnel a été ajouté au projet d'ordre du jour de la réunion du Conseil des Représentants diplomatiques, qui se tiendra le 23 mai 2017, comme cela a été annoncé lors de la réunion du Comité permanent du 23 mars 2017 (voir para. 1 à 7 du Rapport de la réunion du Comité permanent, en anglais uniquement). Le projet d'ordre du jour est en cours de finalisation et sera diffusé en temps utile.

Le Bureau Permanent saisit cette occasion pour renouveler aux Missions diplomatiques des États membres l'assurance de sa haute considération.

LA HAYE, le 4 avril 2017

Aux Missions diplomatiques des États membres  
Copie à titre d'information aux Organes nationaux et de liaison des Membres  
Copie à l'Union européenne



**ПОСОЛЬСТВО  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
В КОРОЛЕВСТВЕ НИДЕРЛАНДОВ**

**EMBASSY  
OF THE RUSSIAN FEDERATION  
IN THE KINGDOM OF THE NETHERLANDS**

№ 784

The Embassy of the Russian Federation in the Kingdom of the Netherlands presents its compliments to the Permanent Bureau of the Hague Conference on Private International Law and has the honour to inform it of the following.

The Russian Federation confirms its position stipulated in the Embassy's notes No. 2357 of 23 November 2016, No. 34 of 11 January 2017 and No. 188 of 25 January 2017 and reiterated during the last Council on General Affairs and Policy. In particular, the Russian side does not recognize legitimacy of the so-called "written vote procedure" and does not consider the Staff Rules to have been approved by the Member States. Therefore the Russian Federation believes that the discussion of this issue was completed neither by the respective Working Group nor by the Standing Committee of the Council of Diplomatic Representatives and should be continued. Moreover it is most problematic to discuss the draft Budget of the Hague Conference for financial year 1 July 2017 – 30 June 2018 without obtaining legal certainty in the aforementioned matter.

**HAGUE CONFERENCE ON  
PRIVATE INTERNATIONAL LAW  
- Permanent Bureau -**

**The Hague**

Nevertheless the discussion of the status of the Staff Rules during the last Council on General Affairs and Policy showed that no consensus had been achieved in this regard since certain Member States of the Hague Conference insist that the Staff Rules were approved by a written vote procedure.

In these circumstances any fruitful discussion of this matter within the respective Working Group or by the Standing Committee is most unlikely. Consequently, given the corresponding conclusions and recommendations of the Council on General Affairs and Policy, the Russian Federation is convinced that the status of the Staff Rules of the Hague Conference should be discussed and decided upon (if necessary, by vote in accordance with the Rules of Procedure) during the forthcoming Council of Diplomatic Representatives in May next as this matter is entirely within the remit of the aforementioned Council. Apparently, the key question to be answered during the Council is whether the Member States consider the Staff Rules to be approved.

At the same time the Russian side is ready to continue substantial discussion of its concerns on the document mentioned above within the framework of the respective Working Group, the Standing Committee of the Council of Diplomatic Representatives and/or the Council of Diplomatic Representative itself. It is well known that not only the Russian Federation but also some other Member States voiced their concerns regarding certain provisions of the Staff Rules.

In view of the aforesaid the Russian Federation will strongly object in future to the use of any written vote procedure similar to the one applied for the "approval" of the Draft Staff Rules until the corresponding rules of procedure are adopted. In this regard the Russian side considers it essential to develop a well-balanced document on the so-called "written vote procedure" to be considered at the next Council on General Affairs and Policy in 2018 as it is provided for in the

par. 41 of the Conclusions and Recommendations of the previous Council on General Affairs and Policy.

The Embassy would highly appreciate it if the Permanent Bureau could convey this Note verbale to the attention of the Member States of the Hague Conference.

The Embassy avails itself of this opportunity to renew to the Permanent Bureau the assurances of its highest consideration.

The Hague, “ *H* ” April 2017

