

Second Meeting of the Working Group on the Judgments Project (24-28 February 2014)



Report

From 24 to 28 February 2014, the **Working Group on the Judgments Project** (“the Working Group”) met at the premises of the Permanent Bureau of the Hague Conference on Private International Law for the second time under the chairmanship of Mr David Goddard QC. The Working Group was composed of 31 participants from 19 Members.¹

CURRENT PROGRESS

Guided by the mandate given by the Council on General Affairs and Policy of the Conference (“the Council”) at its April 2012 meeting,² the Working Group continued its work towards the preparation of draft provisions for inclusion in a possible future instrument.

The Working Group made good progress towards this goal.

Useful work was done on the drafting of:

- a) provisions in relation to the scheme for recognition and enforcement of judgments, closely modelled on the corresponding provisions of the *Hague Convention of 30 June 2005 on Choice of Court Agreements*; and
- b) provisions specifying the categories of judgments to which the future instrument would apply, giving effect to the approach outlined in the Working Group’s first Report, *i.e.*,:
 - the instrument would provide for recognition and enforcement of both money and non-money judgments (with certain exceptions, and certain specific issues that require careful analysis);
 - the instrument would not provide for recognition and enforcement of provisional and protective measures, but the possibility of their inclusion should be discussed at a later stage;
 - the instrument would provide for recognition and enforcement of default judgments; and
 - the instrument would provide for enforcement of judicial settlements.

The Working Group addressed the criteria for recognition and enforcement of judgments at a conceptual level on the basis of a number of proposals. The Working Group made some progress on these issues, which will be the focus of its next meeting, with the benefit of the inter-sessional work described below.

¹ The participating Members were Argentina, Australia, Belarus, Brazil, Canada, China (People’s Republic of), Costa Rica, Cyprus, the European Union, Germany, Mexico, the Republic of Korea, the Russian Federation, Serbia, South Africa, 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).

FUTURE WORK

The Working Group confirmed its intention to continue work in accordance with its mandate.

To this end, the Group determined that it would need to meet on at least two more occasions. The third and fourth Working Group meetings are tentatively scheduled for September / October 2014 and February 2015, respectively.

The Group also decided that inter-sessional work should be carried out on the following topics:

- judgments relating to tort / delict claims and contract claims;
- judgments rendered in proceedings for collective redress (including class actions);
- consumer and employment matters; and
- intellectual property matters.

The inter-sessional work should start as soon as possible, using information and communication technology (including tele-conferencing and video-conferencing as well as a possible online forum hosted by the Permanent Bureau) wherever possible and appropriate.

The Working Group thanked the Permanent Bureau for its research paper on personal jurisdiction and *forum non conveniens* in the enforcement context and requested the Permanent Bureau:

- to continue its work on the research paper on judgments rendered in proceedings for collective redress (including class actions); and
- to facilitate an exchange of information on matters of national law of particular relevance to this project.