AFFAIRES GENERALES ET POLITIQUE
GENERAL AFFAIRS AND POLICY

Projet d'ordre du jour
Draft agenda

février / February 2011

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 2011*

*Council on General Affairs*
*and Policy of the Conference of April 2011*

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**DRAFT AGENDA**

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

**(5–7 April 2011)**

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. and end at 6.00 p.m., except for the final day (closure at 4.00 p.m. at the latest). Breaks for coffee will normally be from 11.00 to 11.15 a.m., lunch from 1.00 to 2.30 p.m. and tea from 4.00 to 4.15 p.m.

***Tuesday 5 April 2011, 9.30 a.m.***

## I. Short overview of activities since the previous Council meeting (7–9 April 2010)

1. Overview of work accomplished in 2010
   *See Annual Report 2010*

2. Summary overview of work accomplished during the first quarter of 2011

3. Updating the implementation of the Strategic Plan
   *See Strategic Plan Update, Preliminary Document No 3*

## II. Current work

1. Choice of Law in International Contracts
   *See "Choice of Law in International Contracts: Development Process of the Draft Instrument*", *Preliminary Document No 6*

2. Preparation of the Special Commission on the practical operation of the 1980 and 1996 Conventions
   *See* "*Planning for the Sixth Meeting of the Special Commission to review the practical operation of the* Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction *and the* Hague 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*", Preliminary Document No 14*

3. Working Group on Mediation in the context of the Malta Process
   *See "Review of the activities of the Conference in regard to mediation", Preliminary Document No 10*

## III. Report, Conclusions and Recommendations of the open-ended Working Group of Members, 2-3 December 2010

*See "Report of the meeting of the open-ended Working Group of Members (2-3 December 2010)", Preliminary Document No 5*

1. Organisation and working methods:
   a) role of the Council on General Affairs and Policy: strengthening the engagement of Members

b) strengthening the role of the Chair: group of "Friends of the Chair" and / or open-ended informal meeting of Members
c) regulations for the Chair / Vice Chair(s) of the Council
d) working methods: handling and presentation of information

2. Outcome of the round table discussion on the four basic questions:[1] proposal to set up a Working Group on technical assistance

3. Taking stock and looking ahead: developments and achievements since the preparations for, and adoption of, the Strategic Plan (2000-2002)

4. Setting priorities:

- development of new Conventions and other normative instruments
- promotion of Conventions and Membership
- supporting implementation and operation of existing Conventions:
  - treaty administration
  - development of tools
  - adaptation of existing Conventions
  - maintaining global networks
  - problem solving
  - responding to individual requests
  - technical assistance
  - training and judicial education
- monitoring and review of existing Conventions
- regional developments and regional presence
- assistance to and co-operation with other international organisations

5. Resources:

- generally: proposal to set up a Working Group on funding
- specifically:
  A. staffing
  B. building: referral to Working Group on Pensions
  C. languages: role of Spanish as a working language
  D. regional offices

*[To be continued on Wednesday afternoon, 6 April 2011]*

*NB: During the lunch break, an informal meeting will be organised by the Permanent Bureau to discuss progress relating to the establishment of a regional office for the Asia Pacific region. Experts of Member States from this region, as well as other interested experts, are invited to participate*

**6.00 p.m. Reception hosted by the Permanent Bureau in honour of Professor A.V.M. (Teun) Struycken who resigned as President of the Netherlands Standing Government Committee on Private International Law as of 31 December 2010**

[1] What does the Conference currently do that it should not do? What should be done that is not being done? How to fund its activities? Need for change in the organisation and its working methods?

***Wednesday 6 April 2011***

## IV. 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 Members, the international organisations or the Permanent Bureau. See "Work programme of the Permanent Bureau for the next Financial Year (1 July 2011 – 30 June 2012)"*, *Preliminary Document No 2 – Update prepared by the Permanent Bureau, with comments on some of the topics below*

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

2. Desirability and feasibility of a protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

3. Continuation of the Judgments Project
   *See "Continuation of the Judgments Project", Preliminary Document No 14 of February 2010 and "Review of the activities of the Conference in regard to the Choice of Court Convention", Preliminary Document No 12*

4. The application of certain private international law techniques to aspects of international migration
   *See Preliminary Document No 7 of February 2010*

5. Private international law issues surrounding the status of children (excluding adoption), in particular the recognition of parent-child relationships (*filiation*), and concerning international surrogacy arrangements
   *See "Report on the status of children (including surrogacy)", Preliminary Document No 11*

6. The property law aspects of moveable assets
   *Topic proposed by the European Union at the 2010 Council meeting, to be further elaborated*

7. 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, e-justice and data protection

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

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

   d) 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

*[To be continued on Thursday morning, 7 April 2011]*

## V. Round table on progress made concerning the signature and ratification of and accession to Hague Conventions

1. 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*

2. Twentieth Session (2005) –
   *Convention of 30 June 2005 on Choice of Court Agreements*

3. Nineteenth Session (2002) –
   *Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary*

4. Eighteenth Session (1996) and 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*

5. Conventions adopted by the Hague Conference at earlier Diplomatic Sessions

**12.00 p.m. Signatures, deposits of instruments of ratification, acceptance or approval of and accession to any Hague Conventions**

## VI. Support, monitoring, and adaptation of Conventions

### *A. Legal co-operation and litigation*

1. Follow up on the Special Commission of 2 to 12 February 2009
   See "*Task list and status of implementation of Conclusions and Recommendations adopted by the Special Commission on the practical operation of the Hague Apostille, Service, Taking of Evidence and Access to Justice Conventions (2-12 February 2009) – Update No 1*", *Preliminary Document 13*

2. The e-APP Project

### *B. International protection of children, vulnerable adults, international family and family property relations*

1. Follow-up on the Special Commission of June 2010 on the practical operation of the 1993 Convention (including progress in relation to Guides to Good Practice)
   *See "Conclusions and Recommendations and report of the Special Commission on the practical operation of the 1993 Intercountry Adoption Convention (17-25 June 2010)", Preliminary Document No 4*

2. Judicial networking and direct judicial communications

3. Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction
*See "Projects concerning the Children's Conventions, maintenance, adults, cohabitation, status of children and international family relocation: Planning for 2011-2012", Preliminary Document No 7 and "Report of consultations carried out by the Permanent Bureau concerning the decision of the European Court of Human Rights in* Raban v. Romania*", Information Document 4*

**Regional activities, International Centre for Judicial Studies and Technical Assistance**

***A. Regional programmes***

***B. Achievements, current developments, and future work programme 2011-2014 of the Centre***

***C. Funding of the Centre and its activities***

**VIII. Report, Conclusions and Recommendations of the open-ended Working Group of Members, 2-3 December 2010 (cont'd)**

***Thursday 7 April 2011***

**IX. Future work (cont'd)**

**X. Information on budgetary and funding matters**

1. Proposed Budget for Financial Year LVII (1 July 2011 – 30 June 2012)
*See "Draft Budget for Financial Year LVII (1 July 2011 – 30 June 2012) and Explanatory Notes", Preliminary Document No 8*

2. Supplementary Budget for Financial Years LVII-LIX (1 July 2011 – 30 June 2014)

   – *Part* I: Special Projects and Expenses
   *See "Draft Supplementary Budget for Financial Years LVII-LIX (1 July 2011 - 30 June 2014) and Explanatory Notes (Part I)", Preliminary Document No 9 A*

   – *Part* II: International Centre for Judicial Studies and Technical Assistance
   *See "Draft Supplementary Budget for Financial Years LVII-LIX (1 July 2011 - 30 June 2014) and Explanatory Notes (Part II)", Preliminary Document No 9 B*

**XI. Co-operation with other international organisations**

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

2. Co-operation with the European Union and other regional organisations

**XII. Conclusions**

The meeting will end by 4.00 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;
- 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.