

JUDGMENTS
JUGEMENTS

Draft agenda
Projet d'ordre du jour

January / janvier 2017



(E)

DRAFT AGENDA

proposed by the Permanent Bureau

* * *

PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

*For the attention of the Special Commission
of February 2017 on the Recognition and Enforcement of Foreign Judgments*

*À l'attention de la Commission spéciale
de février 2017 sur la reconnaissance et l'exécution des jugements étrangers*

Churchillplein 6b, 2517 JW The Hague - La Haye | The Netherlands - Pays-Bas
☎ +31 (70) 363 3303 📠 +31 (70) 360 4867 | secretariat@hcch.net | www.hcch.net

Asia Pacific Regional Office - Bureau régional Asie-Pacifique | S.A.R. of Hong Kong - R.A.S. de Hong Kong | ☎ +852 2858 9912
Latin American Regional Office - Bureau régional Amérique latine | Buenos Aires | Argentina - Argentine | ☎ +54 (11) 4310 8372

Draft Agenda for the meeting of the Special Commission on Recognition and Enforcement of Foreign Judgments

The Hague, 16-24 February 2017

In general, it is proposed that the meetings shall be held from 9.00 a.m. till 1.00 p.m. and from 2.30 p.m. till 6.00 p.m., with lunch breaks from 1.00 to 2.30 p.m. and breaks for coffee / tea from 11.00 to 11.15 a.m. and from 4.00 to 4.15 p.m. There will be no plenary session on Saturday 18 or Sunday 19 February 2017 but, if required, the Drafting Committee or other Working Groups could meet over the weekend at the offices of the Permanent Bureau.

The suggested timetable will be followed with a certain degree of flexibility and modified in accordance with the requirements of the discussion.

The primary basis for the discussions will be Working Document No 76 E Revised ("the 2016 preliminary draft Convention"), which contains the text that emerged from the first meeting of the Special Commission, and reflects the final *toilettage* performed by the Permanent Bureau.

Thursday 16 February 2017

9.30 a.m. – 1.00 p.m. Opening of the meeting by *Mr Paul Vlas, Chair of the Netherlands Standing Government Committee on Private International Law*

Welcome and general remarks by *Mr Christophe Bernasconi, Secretary General*

Adoption of the Agenda

Introduction to the documentation and organisational matters, by *Mrs Marta Pertegás, First Secretary*

General comments about the current status of the project and nature of the preliminary draft convention, by *Mr David Goddard QC, Chair of the Special Commission* and exchange of views about the objectives of the meeting

Chapter I – Scope and definitions

Article 1 – Scope

This agenda item will include a presentation by *Mrs Geneviève Saumier* and *Mr Francisco Garcimartín Alférez, Co-Rapporteurs of the draft Convention*, of the Note on Article 1(1) of the 2016 preliminary draft Convention and the term "civil or commercial matters"

2.30 p.m. – 6.00 p.m. **Chapter I – Scope and definitions (cont'd)**

Article 2 – Exclusions from scope

Article 3 – Definitions

General and Final Clauses

Presentation of Working Document No 78 (Draft General and Final Clauses), followed by general discussion. Establishment of a Working Group on General and Final Clauses

6.00 p.m. Welcome reception offered by the Municipality of The Hague and Lipman Karas in the foyer of the Academy Building

Friday 17 February 2017

- 9.00 a.m. – 1.00 p.m. **Chapter II – Recognition and enforcement**
- Article 4** – General provisions
 - Article 5** – Bases for recognition and enforcement
 - Article 6** – Exclusive bases for recognition and enforcement
- 1.00 p.m. Group photograph
- 2.30 p.m. – 6.00 p.m. **Chapter II – Recognition and enforcement (cont'd)**
- Article 7** – Refusal of recognition or enforcement

Monday 20 February 2017

- 9.00 a.m. – 11.00 a.m. Presentation of the outcome of the discussions that have taken place within the Working Group on IP Matters in the afternoon of Sunday, 19 February 2017. Discussion of IP-related articles
- 11.00 a.m. – 1.00 p.m. Presentation of the outcome of the discussions that have taken place within the Working Group on General and Final Clauses in the morning of Sunday, 19 February 2017 – Discussion on the *general* clauses (incl. articulation with 2005 Choice of Court Convention)
- Chapter III – General clauses**
- Proposed Article 17** – Transitional provisions
 - Proposed Article 18** – No legalisation
 - Proposed Article 19** – Declarations with respect to specific matters
 - Proposed Article 20** – Uniform interpretation
- 2.30 p.m. – 6.00 p.m. **Chapter III – General clauses (cont'd)**
- Proposed Article 21** – Review of operation of the Convention
 - Proposed Article 22** – Non-unified legal systems
 - Proposed Article 23** – Relationship with other international instruments

Tuesday 21 February 2017

- 9.00 a.m. – 1.00 p.m. **Chapter II – Recognition and Enforcement (cont'd)**
- Article 8** – Preliminary questions
 - Article 9** – Damages
 - Article 10** – Judicial settlements (*transactions judiciaires*)
 - Article 11** – Documents to be produced
 - Article 12** – Procedure
 - Article 13** – Costs of proceedings
 - Article 14** – Equivalent effects
 - Article 15** – Severability
 - Article 16** – Recognition or enforcement under national law
- 3.30 p.m. – 6.00 p.m. Presentation of the preliminary draft Convention, as revised by the Drafting Committee, *by the Chair of the Drafting Committee*
- 6.30 p.m. Reception offered by Italy, Japan, and Switzerland, hosted at the residence of the Ambassador of Japan

Wednesday 22 February 2017

- 9.00 a.m. – 1.00 p.m. **Chapter IV – Final clauses**
- Proposed Articles 24 & 25** – Joining the Convention
 - Proposed Article 26** – Declarations with respect to non-unified legal systems
 - Proposed Articles 27 & 28** – Regional Economic Integration Organisation
 - Proposed Article 29** – Entry into force
- 2.30 p.m. – 6.00 p.m. **Chapter IV – Final clauses (cont'd)**
- Proposals on Reservations (possible Article 30)**
 - Proposed Article 31** – Declarations
 - Proposed Article 32** – Denunciation
 - Proposed Article 33** – Notifications by the depositary

Thursday 23 February 2017

- 9.00 a.m. – 1.00 p.m. Open issues revisited
- Presentation of the preliminary draft Convention, as revised by the Drafting Committee, *by the Chair of the Drafting Committee*
- 2.30 p.m. – 6.00 p.m. Second reading

Friday 24 February 2017

- 9.00 a.m. – 1.00 p.m. Open issues revisited
- Preliminary discussion on a draft Preamble
- Consideration of the possible use of a form, as specified at Article 11(3)
- Conclusions and Recommendations / Report of the Special Commission to the Council on General Affairs and Policy
- 2.30 p.m. – 6.00 p.m. Conclusions and Recommendations / Report of the Special Commission to the Council on General Affairs and Policy (cont'd)
- 6.00 p.m. Closing of the meeting