

Choice of Court Convention Questionnaire for Contracting Parties

Compilation of Responses

1. At its March 2021 meeting, the Council on General Affairs and Policy (CGAP) endorsed the proposal to dedicate HCCH a | Bridged Edition 2021 to the *Convention of 30 June 2005 on Choice of Court Agreements* (Convention) and, “subject to available resources, the circulation of a brief questionnaire to elicit reasons as to why more States have not become party to the Convention” (Questionnaire).¹
2. In line with this mandate, in July 2021, the Permanent Bureau (PB) circulated two Questionnaires on the Convention,² one for Contracting Parties and the other for non-Contracting Parties. The information and views provided in States’ responses assisted the PB in defining the key issues for discussion at the HCCH a | Bridged Edition 2021, which took place on 1 December 2021.
3. A total of 22 HCCH Members, 16 Contracting Parties³ and six non-Contracting Parties⁴ to the Convention,⁵ responded to the Questionnaires.
4. This document compiles the responses provided by Contracting Parties to their corresponding Questionnaire. It may be read together with Annex I, Summary of the Responses to the Questionnaire on the 2005 Choice of Court Convention, of Prel. Doc. No 8 of December 2021, “Report on developments in the area of Transnational Litigation” for the attention of the March 2022 CGAP meeting.⁶

¹ See C&D No 35, “Conclusions & Decisions adopted by Council (1 to 5 March 2021)” available on the HCCH website at www.hcch.net under “Governance” then “Council on General Affairs and Policy”.

² Via Focused Circular No 29(21) dated 27 July 2021.

³ Croatia, Czech Republic, European Union, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Mexico, Romania, Singapore, Sweden and United Kingdom.

⁴ Argentina, Brazil, People’s Republic of China, Israel, Switzerland and Viet Nam.

⁵ For the purposes of the Questionnaire, non-Contracting Parties include States which have signed but not yet ratified or approved the Convention.

⁶ Prel. Doc. No 8 of December 2021 is available on the HCCH website at www.hcch.net under “Governance” then “Council on General Affairs and Policy”.

	General Section (Required)	<p>1. Is your State a party to any bilateral and / or regional agreements / arrangements equivalent to the jurisdictional and recognition and enforcement rules of the Convention?</p> <p>If yes, please specify / enumerate the most important ones.</p>
1.	Croatia	<p>Yes.</p> <ul style="list-style-type: none"> - Bilateral Agreement between the Republic of Croatia and Bosnia and Herzegovina on Legal Assistance in Civil and Criminal Matters of 26 February 1996 (Official Gazette „ Narodne Novine“ number 12/96, 5/03). - Bilateral Agreement between the Republic of Croatia and the Republic of Slovenia on Legal Assistance in Civil and Criminal Matters of 7 February 1994 (Official Gazette „ Narodne Novine“ number 3/94). - Bilateral Agreement between the Republic of Croatia and the Republic of Macedonia on Legal Assistance in Civil and Criminal Matters of 2 September 1994 (Official Gazette „ Narodne Novine“ number 3/95, 1/97).
2.	Czech Republic	<p>Yes.</p> <ul style="list-style-type: none"> - Brussels Ia Regulation.
3.	European Union	<p>Yes.</p> <ul style="list-style-type: none"> - Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the Brussels Ia Regulation”). In relations between EU Member States, it is the Brussels Ia Regulation that applies instead of the Choice of Court Convention (see the disconnection clause for REIOs in Article 26(6) of the Choice of Court Convention). - Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the Lugano Convention”) - Convention of 30 June 2005 on Choice of Court Agreements (“the Choice of Court Convention”). The European Union is a party to the Choice of Court Convention. The Convention thus has the status of EU law within the European Union (except in relation to Denmark) and is binding both on EU Member States and the Union institutions.

		<ul style="list-style-type: none"> - The replies to the questions below will focus on the EU legal instruments listed above and on Union rules in general. Additional information on national instruments and rules of EU Member States may be found in separate answers to this questionnaire submitted by Member States. - Notably, the replies to the questions regarding courts will concern only the Court of Justice of the European Union (“CJEU”) - whether as a final authority on the interpretation and application of EU law or as a court that may be designated in an exclusive choice-of-court agreement that could fall in the scope of the Choice of Court Convention. - With regard to the former, the Court of Justice ensures the uniform interpretation and application of EU law. When Member-State courts interpret EU law (including the Choice of Court Convention), they must follow any relevant decisions of the CJEU. However, it should be noted that the CJEU has given no preliminary ruling on the Choice of Court Convention to date. - With regard to the latter, contractual disputes of the Union do not, in general, come within the jurisdiction of the Union courts, but within that of national courts (Article 274 Treaty on the Functioning of the European Union – “TFEU”). However, pursuant to Article 272 TFEU, an arbitration clause (to be read as a “choice-of-court clause”) contained in a contract concluded by or on behalf of the Union may confer jurisdiction on the General Court. Such arbitration (/choice-of-court) clauses are included not only in numerous rental or insurance agreements or agreements on purchase of movable or immovable property but they are also used to directly implement some of the EU policies (grant agreements, subsidies, and aids, development assistance, etc.). Therefore, the arbitration clause in Article 272 TFEU has given rise to an increasing number of cases brought to the General Court. The decisions of the General Court may, within two months, be subject to an appeal before the Court of Justice, limited to points of law. While the parties have a choice to agree on the jurisdiction of the Union courts or not, the applicable procedural rules and the composition of the Court are not at their disposal. - Since the European Union is a Contracting Party to the Choice of Court Convention, it follows that a choice-of-court agreement such as the one above which is concluded in civil or commercial matter could be covered by the Convention.
4.	Finland	<p>Yes.</p> <ul style="list-style-type: none"> - Regulation (EU) 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

		<ul style="list-style-type: none"> - Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the Lugano Convention”).
5.	France	<p>Yes.</p> <ul style="list-style-type: none"> - En tant que membre de l’Union européenne, la France applique les règlements européens, en particulier le règlement Bruxelles I (refonte). Elle applique également la convention de Lugano et la convention HCCH de 2005 sur les accords d’élection de for. Sur ces instruments, nous renvoyons à la réponse de l’Union européenne. - La France a par ailleurs conclu plus d’une quarantaine de conventions bilatérales en matière de coopération judiciaire qui contiennent des dispositions relatives à la reconnaissance et à l’exécution et, pour certaines d’entre elles, des dispositions en matière de compétence.
6.	Germany	<p>Yes.</p> <ul style="list-style-type: none"> - See answer by the EU. - The replies to the questions below will focus on national German legal instruments. EU rules and legal instruments will be reported by the EU.
7.	Hungary	<p>Yes.</p> <ul style="list-style-type: none"> - Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (New Lugano Convention). - Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.
8.	Ireland	<p>Yes.</p> <ul style="list-style-type: none"> - The Choice of Court (Hague Convention) Act 2015 makes provision for the measures which are required to ensure that the Hague Convention of 30 June 2005 on Choice of Court Agreements can function appropriately within the Irish legal system.

		<ul style="list-style-type: none"> - The European Union has exclusive competence in respect of the matters governed by the Convention and, thus Ireland did not ratify the Convention in its own right. The European Union is a party to the Choice of Court Convention and it has the status of EU law within the EU (except Denmark) and is binding on Member States and the EU institutions - Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the Brussels Ia Regulation”) applies instead of the Convention for relations between EU Member States. - By virtue of its EU membership, Ireland is party to the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“the Lugano Convention”).
9.	Italy	<p>Yes.</p> <ul style="list-style-type: none"> - Italy is a party to several bilateral conventions on judicial cooperation in civil matters, providing provisions relative to the recognition and enforcement of judgments, even if not specifically dedicated to the issue of the choice of court agreements. The bilateral Convention of 1964 between the United Kingdom and Italy is particularly important since it could be re-enacted following the Brexit procedure and could be applicable in the cases – not governed by the Hague Convention of 2005 – of recognition and enforcement of judgments issued by the judges appointed by the agreements, not exclusive or asymmetrical, relative to the choice of court. The above-mentioned Convention authorizes – but it does not oblige – the judge of the contracting State to refuse the recognition and enforcement of the judgment issued by the judge of the other contracting State in violation of a choice of court agreement.
10.	Latvia	Yes.
11.	Lithuania	<p>Yes.</p> <ul style="list-style-type: none"> - Bilateral agreements: <ul style="list-style-type: none"> ○ Agreement between the Republic of Azerbaijan and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters. ○ Agreement between the Republic of Belarus and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters.

		<ul style="list-style-type: none"> ○ Agreement on Legal Assistance in civil and criminal cases between the People's Republic of China and the Republic of Lithuania. ○ Agreement between the Republic of Georgia and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters. ○ Agreement between the Republic of Kazakhstan and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters. ○ Agreement between the Republic of Moldova and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters. ○ Agreement between the Russian Federation and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters. ○ Agreement on Legal and Judicial Cooperation in Commercial and Civil Matters between the Republic of Turkey and the Republic of Lithuania. ○ Agreement between Ukraine and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters. ○ Agreement between the Republic of Uzbekistan and the Republic of Lithuania on legal assistance and legal relations in civil, family and criminal matters.
12.	Mexico	<p>Yes.</p> <ul style="list-style-type: none"> - The New York Arbitration Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
13.	Romania	<p>Yes.</p> <ul style="list-style-type: none"> - Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. - Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Lugano).

		<ul style="list-style-type: none"> - Convention between Romania and Spain on jurisdiction, recognition and enforcement of judgments in civil and commercial matters, concluded on 17.11.1997.
14.	Singapore	No.
15.	Sweden	<p>Yes.</p> <ul style="list-style-type: none"> - Brussel I Regulation. - Lugano Convention. - Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims. - Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.
16.	United Kingdom	Yes.

	General Section (Required)	<p>2. Are you aware of any articles or books on the Convention, recently published in your State, that do not already appear in the “Bibliography” on the Choice of Court Section of the HCCH website?</p> <p>If yes, please provide the citation (and a link to an online version, if available) for each article or book, and where possible, attach a photocopy of the article or book to this questionnaire.</p>
1.	Croatia	No.
2.	Czech Republic	Yes. <ul style="list-style-type: none"> - Book: Bříza, Petr. Volba práva a volba soudu v mezinárodním obchodě . C. H. Beck: 2012. 300p. (Choice of law and choice of court in international trade).
3.	European Union	Yes. <ul style="list-style-type: none"> - Hartley, T. (2017). Civil jurisdiction and judgments in Europe. Oxford Private International Law Series. - DuBose E.H. (2015). The Implementation of the 2005 Hague Convention on Choice of Court Agreements in the European Union: An Analysis of its Relationship with the Brussels I-bis Regulation. In: ZEuS Zeitschrift für Europarechtliche Studien, Vol. 18 (2015). Issue 4. p. 441 – 474. - Jennifer Antomo, Aufwind für internationale Gerichtsstandsvereinbarungen – Inkrafttreten des Haager Übereinkommens, NJW 2015, 2919. - Florian Eichel, AGB-Gerichtsstandsklauseln im deutsch-amerikanischen Handelsverkehr - zugleich ein Beitrag zum Einfluss des Haager Übereinkommens über Gerichtsstandsvereinbarungen vom 30.6.2005, Studien zum Internationalen Privat- und Verfahrensrecht, Band 14, 2007.
4.	Finland	Not known.
5.	France	No.

6.	Germany	Yes. - See answer by the EU.
7.	Hungary	Not known.
8.	Ireland	No.
9.	Italy	Yes. - Gli Accordi Di Scelta Del Foro Nello Spazio Giudiziario Europeo (Translator's Note: The Choice Of Court Agreements In The European Judicial Area) By Margherita Salvadori, Edited In 2018. - Gli Effetti Del Recesso Dall'unione Europea Sui Trattati Conclusi Dall'unione Europea E Dallo Stato Recedente (Translator's Note: The Effects Of The Withdrawal From The Eu On The Treaties Concluded By The Eu And The Withdrawing State) International Law Journal, Issue N. 4, 1st December 2019, Page 1040 by Simone Vezzani. - Litispendenza E Sospensione Del Procedimento: Il Giudice Italiano Di Fronte All'art. 31, Par. 2, Del Regolamento Bruxelles I-Bis (Translator's Note: Lis Pendens And Suspension Of The Proceedings: The Italian Judge Dealing With Section 31, Paragraph 2, Of The Brussels I-Bis Regulation) International Trade Law, Issue N. 2, 1st June 2020, Page 455 by Giulia Vallar.
10.	Latvia	No.
11.	Lithuania	No.
12.	Mexico	Not known.
13.	Romania	No.
14.	Singapore	Yes.

		- YEO, Tiong Min, Hague Convention on Choice of Court Agreements, 2005: A Singapore Perspective. (2015). Journal of International Law and Diplomacy. 114, (1), 50-73. Research Collection School of Law. Available at: https://link.library.smu.edu.sg/sol_research/1688 .
15.	Sweden	No.
16.	United Kingdom	No.

	General Section (Required)	<p>3. Has your State established (or intends to establish) international commercial court(s) (or tribunal(s)) or the equivalent?</p> <p>If yes, please select the features which these courts or tribunals possess (multiple boxes can be checked):</p> <ul style="list-style-type: none"> - Appointment of international judges. - Representation by foreign lawyers. - Admissibility of foreign expert advice. - Admissibility of evidence in languages other than the official one of your State. - Proceedings in languages other than the official one of your State. - Advisory Council with foreign experts. - Availability of court judgments in languages other than the official one of your State. - Other. <p>If possible, please specify relevant details (e.g., the date of establishment or intended establishment of the court or tribunal, the appointment procedures for judges and members of any adjacent advisory council(s), the nationalities of judges or experts, the languages used) and attach relevant statutes and procedural rules to this questionnaire.</p>
1.	Croatia	No.
2.	Czech Republic	No.
3.	European Union	No.
4.	Finland	No.
5.	France	<p>Yes.</p> <ul style="list-style-type: none"> - Appointment of international judges: No. - Representation by foreign lawyers: No. - Admissibility of foreign expert advice: No. - Admissibility of evidence in languages other than the official one of your State: Yes.

		<ul style="list-style-type: none"> - Proceedings in languages other than the official one of your State: No. - Advisory Council with foreign experts: No. - Availability of court judgments in languages other than the official one of your State: Yes. - Other: No. <p>Nous joignons à ce questionnaire les protocoles relatifs à la procédure devant la chambre internationale du tribunal de commerce de Paris et devant la chambre internationale de la cour d'appel de Paris.</p>
6.	Germany	<p>Yes.</p> <ul style="list-style-type: none"> - Appointment of international judges: No. - Representation by foreign lawyers: No. - Admissibility of foreign expert advice: No. - Admissibility of evidence in languages other than the official one of your State: No. - Proceedings in languages other than the official one of your State: No. - Advisory Council with foreign experts: No. - Availability of court judgments in languages other than the official one of your State: No. - Other: Yes. <p>In some states special court chambers have been established which deal with international commercial law disputes. If parties agree, court hearings can be held in English.</p>
7.	Hungary	No.

8.	Ireland	<p>Yes.</p> <ul style="list-style-type: none"> - Appointment of international judges: No. - Representation by foreign lawyers: No. - Admissibility of foreign expert advice: No. - Admissibility of evidence in languages other than the official one of your State: No. - Proceedings in languages other than the official one of your State: No. - Advisory Council with foreign experts: No. - Availability of court judgments in languages other than the official one of your State: No. - Other: Yes. <p>The Commercial Court, established in 2004, is a branch of the Irish High Court, deals with international commercial cases as necessary.</p>
9.	Italy	No.
10.	Latvia	No.
11.	Lithuania	No.
12.	Mexico	No.
13.	Romania	No.
14.	Singapore	<p>Yes.</p> <ul style="list-style-type: none"> - Appointment of international judges: Yes.

		<ul style="list-style-type: none"> - Representation by foreign lawyers: Yes. - Admissibility of foreign expert advice: Yes. - Admissibility of evidence in languages other than the official one of your State: Yes. - Proceedings in languages other than the official one of your State: No. - Advisory Council with foreign experts: No. - Availability of court judgments in languages other than the official one of your State: No. - Other: No. <p>The Singapore International Commercial Court (SICC) was established on 5 January 2015, as a division of the General Division of the Singapore High Court and part of the Supreme Court of Singapore. Singapore judges and international judges may be designated by the Chief Justice to hear cases in the SICC. For the profiles of the current international judges on the panel, please see sicc.gov.sg/about-the-sicc/judges. Proceedings are conducted in the English language. (Please see the Supreme Court of Judicature Act, Order 110 of the Rules of Court, and the SICC Practice Directions.)</p>
15.	Sweden	No.
16.	United Kingdom	<p>Yes.</p> <ul style="list-style-type: none"> - Appointment of international judges: Yes. - Representation by foreign lawyers: Yes. - Admissibility of foreign expert advice: Yes. - Admissibility of evidence in languages other than the official one of your State: No. - Proceedings in languages other than the official one of your State: No. - Advisory Council with foreign experts: Yes.

		<ul style="list-style-type: none">- Availability of court judgments in languages other than the official one of your State: No.- Other: No.
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	General Section (Required)	<p>4. In international cases, do the courts in your State publish decisions and/or executive summaries in a language other than the official one?</p> <p>If yes, in which language(s):</p> <ul style="list-style-type: none"> - Arabic. - Chinese. - English. - French. - Russian. - Spanish. - Other. <p>If yes, select any of the following that may apply (multiple boxes can be checked):</p> <ul style="list-style-type: none"> - Decisions. - Executive Summaries. - Other.
1.	Croatia	No.
2.	Czech Republic	No.
3.	European Union	<p>Yes.</p> <ul style="list-style-type: none"> - If yes, in which language(s): <ul style="list-style-type: none"> - Arabic: No. - Chinese: No. - English: No. - French: No. - Russian: No.

		<ul style="list-style-type: none"> - Spanish: No. - Other: Yes. The Court of Justice publishes most of its judgments, including judgments delivered in preliminary ruling proceedings, in all of the following languages: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish. When it comes to the General Court, it publishes some of its judgments in all the languages mentioned above (e.g. judgments of the Grand Chamber and of Chambers of five Judges and on a case-by-case basis also other judgments). Where a decision given by one of the courts is not published in all languages, it is typically accessible at least in French and in the language of the case. (For details, see the Title I, Chapter 8 - Languages - of the Rules of Procedure of the Court of Justice and Title II – Languages – of the Rules of Procedure of the General Court). - If yes, select any of the following that may apply (multiple boxes can be checked): <ul style="list-style-type: none"> - Decisions: Yes. - Executive Summaries: Yes. - Other: Yes. Opinions of Advocates-General.
4.	Finland	<p>Yes.</p> <ul style="list-style-type: none"> - If yes, in which language(s): <ul style="list-style-type: none"> - Arabic: No. - Chinese: No. - English: Yes. - French: No. - Russian: No.

		<ul style="list-style-type: none"> - Spanish: No. - Other: No. - If yes, select any of the following that may apply (multiple boxes can be checked): - Decisions: No. - Executive Summaries: No. - Other: Yes. The Supreme Court publishes unofficial summaries of some of its precedents in English. The selected precedents usually contain either issues from the standpoint of the law of the European Union or of human rights or other international interests.
5.	France	<p>Yes.</p> <ul style="list-style-type: none"> - If yes, in which language(s): - Arabic: No. - Chinese: No. - English: Yes. - French: No. - Russian: No. - Spanish: No. - Other: No. - If yes, select any of the following that may apply (multiple boxes can be checked):

		<ul style="list-style-type: none"> - Decisions: No. - Executive Summaries: No. - Other: Yes. Devant les chambres internationales du tribunal de commerce de Paris et de la cour d'appel de Paris, le jugement est accompagné d'une traduction jurée en anglais.
6.	Germany	No.
7.	Hungary	No.
8.	Ireland	No.
9.	Italy	No.
10.	Latvia	No.
11.	Lithuania	No.
12.	Mexico	Not known.
13.	Romania	No.
14.	Singapore	No.
15.	Sweden	No.
16.	United Kingdom	No.

	General Section (Required)	5. In international cases, do the courts in your State make public the identity of the acting judge(s)?
1.	Croatia	Yes.
2.	Czech Republic	Yes.
3.	European Union	Yes.
4.	Finland	Yes.
5.	France	Yes.
6.	Germany	Yes.
7.	Hungary	No.
8.	Ireland	Yes.
9.	Italy	Yes.
10.	Latvia	Yes.
11.	Lithuania	Yes.
12.	Mexico	Yes.
13.	Romania	Yes.
14.	Singapore	Yes.

15.	Sweden	Yes.
16.	United Kingdom	Yes.

	General Section (Required)	<p>6. Under your State's national law, is it possible for the parties to challenge the designation of a judge in international civil or commercial cases?</p> <p>If yes, please specify.</p>
1.	Croatia	Not known.
2.	Czech Republic	<p>Yes.</p> <ul style="list-style-type: none"> - Pursuant to Section 15a of the Czech Civil Procedural Code, the participants have the right to comment on the persons of judges and jurors, who decide on the matter according to the work schedule. The participants must be informed about this right by the court. - The participant is obliged to raise the objection of bias of the judge (juror) at the latest at the first hearing attended by the judge (juror) whose exclusion is in question; if he did not know of the reason for the exclusion at that time, or if this reason arose later, he may raise the objection within 15 days of learning of it. Later, the participant may raise the objection of bias only if he has not been informed by the court of his right to comment on the persons of the judges (jurors). - However, there is no difference made between international and purely national cases.
3.	European Union	No.
4.	Finland	<p>Yes.</p> <ul style="list-style-type: none"> - The Code of Judicial Procedure (Act 4/1734) Chapter 13 lays down provisions on the disqualification of the judge. A judge may not hear a case if he or she is disqualified. It is possible for the parties to challenge the designation of a judge, if they consider the judge disqualified.
5.	France	<p>Yes.</p> <ul style="list-style-type: none"> - Il n'existe pas de règles spéciales pour le contentieux international. Comme pour tous les litiges, les parties ont la possibilité de demander :

		<ul style="list-style-type: none"> ○ La récusation du magistrat désigné selon l'article 341 du code de procédure civile et l'article L. 111-6 du code de l'organisation judiciaire, notamment en cas de conflit d'intérêt, ou le renvoi pour cause de suspicion légitime (articles 341 et suivants du code civil et L 111-8 du COJ) ; ○ Le dépaysement de l'affaire en application de l'article 47 du code de procédure civile lorsqu'un magistrat est partie à un litige qui relève de la compétence de la juridiction dans le ressort de laquelle il exerce ses fonctions.
6.	Germany	<p>Yes.</p> <p>- Code of Civil Procedure</p> <p>Section 41 Disqualification from the exercise of judicial office</p> <p>A judge is disqualified by law from exercising judicial office:</p> <ol style="list-style-type: none"> 1. In all matters in which he himself is a party, or in which his relationship to one of the parties in the proceedings is that of a co-obligee, co-obligor, or a party liable to recourse; 2. In all matters concerning his spouse or former spouse; 2a. In all matters concerning his partner or former partner under a civil union; 3. In all matters concerning persons who are or were directly related to him, either by blood or by marriage, or who are or were related as third-degree relatives in the collateral line, or who are or were second-degree relatives by marriage in the collateral line; 4. In all matters in which he was appointed as attorney of record or as a person providing assistance to a party, or in which he is or was authorised to make an appearance as a legal representative of a party; 5. In all matters in which he is examined as a witness or expert; 6. In all matters in which he assisted, at a prior level of jurisdiction or in arbitration proceedings, in entering the contested decision, unless this concerns activities of a judge correspondingly delegated or requested. 7. In all matters concerning court procedures of excessive duration, if he assisted in the impugned proceedings at the level of jurisdiction, the duration of which is the basis for the claim to compensation. 8. In all matters in which he assisted in mediation proceedings or in any other alternative conflict resolution procedures. <p>Section 42 Recusal of a judge from a case</p>

		<p>(1) A judge may be recused from a case both in those cases in which he is disqualified by law from exercising a judicial office, and in those cases in which there is a fear of bias.</p> <p>(2) A judge will be recused for fear of bias if sound reasons justify a lack of confidence in his impartiality.</p> <p>(3) In all cases, both parties shall have the right to recuse a judge.</p>
7.	Hungary	<p>Yes.</p> <p>- Act No. CXXX of 2016 on Civil Procedure</p> <p>Section 12 [Exclusion of a judge]</p> <p>The following are excluded from the conduct of, and shall not participate in, court proceedings as judges:</p> <p>a) the party, any person who holds a right or is subject to an obligation together with the party, as well as any person who lays claim to the subject matter of the litigation in part or in whole for his own benefit, or whose rights or obligations may be effected by the outcome of the action;</p> <p>b) the counsel or advocate of either of the persons referred to in Paragraph a), or a former counsel or former advocate who was involved in the case previously;</p> <p>c) any family member of a person covered under Paragraph a) or b);</p> <p>d) any person who was subpoenaed by the court to testify in the action as witness, any expert appointed by the court, or any person who provided an expert opinion in connection with the action;</p> <p>e) a person acting as mediator in mediation proceedings connected to the action; or</p> <p>f) any person who may not be expected to form an objective view of the case for other reasons.</p> <p>Section 13 [Exclusion of a judge from redress procedures]</p> <p>(1) Any judge who participated in an action in the first instance is excluded from the second instance.</p> <p>(2) Any judge who participated in proceedings in which the decision contested was adopted is excluded from the retrial as well.</p> <p>(3) Any judge who participated in proceedings leading to the decision to which the application for review pertains is excluded from the judicial review process.</p> <p>Section 14 [Exclusion of a court]</p> <p>(1) An action may not be heard by a district court, general court or court of appeal, a) that is a party to the action, or a person who holds a right or is subject to an obligation jointly with a party, furthermore any court that lays claim to the subject matter of the action in part or in whole for his own benefit, or whose rights and/or</p>

		<p>obligations may be effected by the outcome of the action; or b) whose president, or deputy president is excluded by virtue of Paragraph a), b) or c) of Section 12.</p> <p>(2) The grounds for exclusion provided for in Subsection (1) shall also apply to any court lacking the legal status of a legal person, whose judges are subordinated in terms of overall employers rights to the judge presiding in the court involved in the action.</p> <p>(3) Grounds for exclusion shall not in itself be considered to exist having regard to the court of competent jurisdiction for any of the following reasons: a) there is another action in progress between the party and that court; b) where the court involved in the first and/or second instance joins the action, and the motion for extension of the action is to be rejected; or c) the action is brought against a person acting in an official capacity within administrative jurisdiction or the jurisdiction of a court or public prosecutor in a case against an employer for any violation of rights relating to personality covered by the employers guarantee obligation, or for any other wrong, even if the person having judicial status exercised such powers in the court of competent jurisdiction.</p> <p>Section 15 [Request for exclusion]</p> <p>(1) The judge shall forthwith report to the president judge where any grounds for his exclusion exist, indicating also said grounds for exclusion. If the judge intends to report the reason referred to in Paragraph f) of Section 12, this shall be justified in writing.</p> <p>(2) Where any grounds for exclusion arise it may be reported by the party as well. Such report shall be made during any stage of the proceedings, before the decision closing the proceedings is brought, however, the party may rely on the reason referred to in Paragraph f) of Section 12 following the opening of litigation only if able to substantiate of having learnt about the fact underlying the report after the opening of litigation, and that the report was made immediately thereafter.</p>
8.	Ireland	Yes.
9.	Italy	<p>Yes.</p> <ul style="list-style-type: none"> - It is applicable to all disputes and therefore to those ones, subject to the Italian jurisdiction, having international features as well: section 52 of the civil procedure code (“In the cases where the judge must abstain, each party can raise its objections by lodging the appeal containing the specific grounds and means of proof. The appeal, lodged by the party or defence lawyer, must be filed in the Office of the Clerk of the Court two days before the hearing if the appealing party knows the name of the judges appointed to deal with or decide on the legal action or, on the contrary, before starting dealing with or discussing it. The objection suspends the proceedings”), in conjunction with section 51 of the civil procedure code. (“The judge must abstain as follows: 1) if he has a

		<p>personal interest in the legal action or in another one concerning an identical issue of law; 2) if he himself/she herself or his wife/her husband is related up to the fourth degree of kinship [or bound by ties of relation] or if he/she is a cohabitant or habitual guest of one of the parties or defence lawyers; 3) if he himself/she herself or his wife/her husband has a pending lawsuit or serious enmity, or credit or debit relations with one of the parties or their defence lawyers; 4) if he/she gave advices, provided legal aid in the legal action or testified as a witness in it or, as a magistrate or an arbitrator in another instance of the proceedings, he/she gave his/her assistance as a technical consultant; 5) if he/she is guardian, barrister, solicitor, agent or employer of one of the parties; furthermore, if he/she administers or manages a body, an association, unincorporated as well, a committee, a company or an institution which may have a specific interest in the legal action. In any other case presenting serious reasons of convenience, the judge may ask his/her head office the authorisation to abstain; when abstention concerns the head office, authorisation is asked to the upper head office”).</p>
10.	Latvia	No.
11.	Lithuania	<p>Yes.</p> <ul style="list-style-type: none"> - The same rules apply as in other civil cases with no international aspect. In question 5 as well.
12.	Mexico	<p>Yes.</p> <ul style="list-style-type: none"> - Under the Commercial and Civil Code, it can be challenged the designation of a judge. There are several causes in which a party can request that the judge excuse from a case, such as lack of partiality, friendship relationship with any other parties or family relations with any of them.
13.	Romania	<p>Yes.</p> <ul style="list-style-type: none"> - Article 44 Code of civil procedure on recusation of judges.
14.	Singapore	<p>Yes.</p> <ul style="list-style-type: none"> - A party seeking to challenge a judge hearing the case due to possible conflict of interest can file a recusal application to seek to disqualify a judge from hearing the case.
15.	Sweden	No.
16.	United Kingdom	Yes.

		<ul style="list-style-type: none">- An application can be made for a judge to reclude themselves or a judge can reclude themselves of their own volition.
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	General Section (Required)	7. Do the courts in your State have rules on mitigation of conflicts of interest in cases involving foreign parties and your State (including a government, a governmental agency or any person acting for your State): If yes, please specify.
1.	Croatia	Not known.
2.	Czech Republic	No.
3.	European Union	No.
4.	Finland	Yes. - Act on mediation in civil matters and confirmation of settlements in general courts (394/2021) lays down provisions on court mediation in civil matters.
5.	France	Yes. - Il existe depuis la loi du 20 avril 2016 une obligation de déclaration d'intérêts des magistrats, qui a pour but de prévenir les situations de conflits d'intérêts. Elle n'est pas spécifique aux affaires impliquant des parties étrangères.
6.	Germany	No.
7.	Hungary	Yes. - Act LV of 2002 on mediation may be applied.
8.	Ireland	No.
9.	Italy	No.
10.	Latvia	Yes. - According to the section 14 of the law On Judicial Power:

		<p>1) A judge may not participate in the examination of a case, if he or she is personally, directly or indirectly interested in the outcome of the case, or if there are other circumstances casting doubts on his or her impartiality, and also in the cases provided for in the law On Prevention of Conflict of Interest in Activities of Public Officials.</p> <p>(2) In such cases, a judge must recuse himself or herself.</p> <p>(3) If a judge has not recused himself or herself, the persons who are participating in the case may apply for the recusal of the judge.</p> <p>(4) The grounds for recusation of a judge and the procedures for the examination of the recusation shall be determined by law.</p>
11.	Lithuania	No.
12.	Mexico	Not known.
13.	Romania	No.
14.	Singapore	<p>Yes.</p> <ul style="list-style-type: none"> - The SICC adopts a Judicial Code of Conduct for International Judges of the Supreme Court of Singapore which is of broader application setting out the standards of ethical conduct to be expected of international judges acting within the principles of Independence, Impartiality, Integrity, Propriety, Equality, Competence and Diligence. Similar principles are also covered in the Judicial Code of Conduct for the Judges and Judicial Commissioners of the Supreme Court of Singapore which sets out the standards of ethical conduct to be expected of local Judges and Judicial Commissioners.
15.	Sweden	Not known.
16.	United Kingdom	Yes.

	General Section (Required)	<p>8. Since 2015, have there been any reported cases of judicial corruption in relation to international civil or commercial cases:</p> <p>If yes, in how many cases?</p> <ul style="list-style-type: none"> - 1-5. - 6-10. - 11-30. - Above 30. - Not known. <p>Please include any specific comments, and where possible, attach the relevant information or cases.</p>
1.	Croatia	Not known.
2.	Czech Republic	Not known.
3.	European Union	No.
4.	Finland	No.
5.	France	Not known.
6.	Germany	No.
7.	Hungary	Not known.
8.	Ireland	No.
9.	Italy	No.
10.	Latvia	No.
11.	Lithuania	No.

12.	Mexico	Not known.
13.	Romania	Not known.
14.	Singapore	No.
15.	Sweden	No.
16.	United Kingdom	No.

	General Section (Required)	<p>9. Would your State agree that nothing in the Convention prevents it from being used to settle contractual disputes between foreign investors and States, under an exclusive choice of court agreement (i.e., disputes not covered by any investment protection agreements or treaties, and / or to be settled under the exhaustion of local remedies rule)?</p> <p>If not, please explain.</p>
1.	Croatia	--
2.	Czech Republic	--
3.	European Union	<p>No.</p> <ul style="list-style-type: none"> - (Answer should be : Not known). - Comment: The Choice of Court Convention applies only to civil and commercial matters. Contractual disputes between foreign investors and States may often have public law character (at least partially), for instance where the State acted within its sovereign powers. Therefore, the nature of the dispute would be a defining element for the assessment of the applicability of the Convention and the Convention would only apply as long as the dispute is on civil and commercial matters. - However, it is only the CJEU that has the final word on the interpretation of the Convention as far as the EU Member States and Union institutions are concerned.
4.	Finland	--
5.	France	Not known.
6.	Germany	Not known.
7.	Hungary	--
8.	Ireland	Not known.
9.	Italy	--

10.	Latvia	No. - Question replied by the EU.
11.	Lithuania	Not known.
12.	Mexico	Yes.
13.	Romania	--
14.	Singapore	Not known.
15.	Sweden	Not known.
16.	United Kingdom	Yes.

	General Section (Required)	10. Please attach a copy of any rules or conditions relating to transfer of proceedings to another court within your State.
1.	Croatia	–
2.	Czech Republic	–
3.	European Union	<p>The Union instruments on civil and commercial matters listed above do not contain rules on transfer of proceedings to other courts.</p> <p>However, to enhance the effectiveness of exclusive choice-of-court agreements and to avoid abusive litigation tactics, the Brussels Ia Regulation includes an exception to the general lis pendens rules in order to deal satisfactorily with a particular situation in which concurrent proceedings may arise. This is the situation where a court not designated in an exclusive choice-of-court agreement has been seised of proceedings and the designated court is seised subsequently of proceedings involving the same cause of action and between the same parties. In such a case, the court first seised should be required to stay its proceedings as soon as the designated court has been seised and until such time as the latter court declares that it has no jurisdiction under the exclusive choice-of-court agreement. This is to ensure that, in such a situation, the designated court has priority to decide on the validity of the agreement and on the extent to which the agreement applies to the dispute pending before it. The designated court should be able to proceed irrespective of whether the non-designated court has already decided on the stay of proceedings. This exception does not cover situations where the parties have entered into conflicting exclusive choice-of-court agreements or where a court designated in an exclusive choice-of-court agreement has been seised first. In such cases, the general lis pendens rule of this Regulation should apply.</p> <p>Therefore, under the Brussels Ia Regulation (Recital 22 and Article 31(2)), it is possible, where there is an exclusive jurisdiction agreement in favour of the second seised court, that the first seised court stays its proceedings unless and until the chosen court declares that it has no jurisdiction under the agreement.</p> <p>Notably, there are no similar provisions in the Lugano Convention.</p>
4.	Finland	Code of Judicial Procedure (Act 4/1734), Chapter 10 lays down provisions on jurisdiction in civil cases. Section 21 in Chapter 10 includes provisions on examination of jurisdiction and transfer of a case to another court (link: https://www.finlex.fi/fi/laki/kaannokset/1734/en17340004_20150732.pdf).
5.	France	Nous joignons à ce questionnaire les articles du code de procédure civile relatifs à la litispendance et à la connexité.

6.	Germany	<p>Civil Procedure Law Section 281 Code of Civil Procedure Referral in the event the court does not have jurisdiction</p> <ol style="list-style-type: none"> (1) If, based on the regulations regarding the local or substantive competence of courts, the court's lack of jurisdiction is to be pronounced, and provided it is possible to determine the competent court, the court before which the action was initially brought is to declare, upon corresponding application being made by the plaintiff, that it is not competent and is to refer the legal dispute to the competent court. Should several courts have jurisdiction, the dispute shall be referred to the court selected by the plaintiff. (2) Applications and declarations concerning the jurisdiction of the court may be filed with the records clerk of the court registry. The court order is incontestable. The legal dispute shall become pending with the court designated in the order upon the court having received the files. The order shall be binding upon this court. (3) The costs accrued in the proceedings before the court with which the action was initially brought shall be treated as part of the costs accruing in the proceedings before the court designated in the order. The additional costs accruing are to be imposed on the plaintiff also in the event he prevailed in the main action. <p>Court Constitution Act Section 17a</p> <ol style="list-style-type: none"> (1) If a court has declared with final and binding effect that the recourse taken to it is admissible, other courts shall be bound by this decision. (2) If the recourse taken is inadmissible, the court shall declare this proprio motu after hearing the parties and shall at the same time refer the legal dispute to the competent court of admissible recourse. If several courts are competent, the dispute shall be referred to the court to be selected by the plaintiff or applicant or, if no selection is made, to the court designated by the referring court. The decision shall be binding upon the court to which the dispute has been referred in respect of the admissibility of the recourse. (3) If the recourse taken is admissible, the court may give a preliminary decision to this effect. It must give a preliminary decision if a party challenges the admissibility of the recourse. (4) The decision pursuant to subsections (2) and (3) may be given without an oral hearing. Reasons must be given therefor. The immediate complaint (sofortige Beschwerde) shall be available against the decision pursuant to the provisions of the respective applicable code of procedure. The participants shall only be entitled to lodge a complaint against a decision of a higher regional court at the highest federal court if this has been admitted in the decision. The complaint must be admitted if the legal issue concerned is of fundamental importance or if the court deviates from a decision of one of the highest federal courts or from a decision of the Joint Panel of the Highest Federal Courts (Gemeinsamer Senat der obersten Gerichtshöfe des Bundes). The highest federal court shall be bound by the admission of the complaint. (5) The court that rules on an appellate remedy against a decision by the court seized of the case shall not review whether the recourse taken was admissible.
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		(6) Subsections (1) to (5) shall apply accordingly to adjudicating bodies with jurisdiction over civil disputes, family matters and non-contentious matters in relation to each other.
7.	Hungary	<p>Act No. CXXX of 2016 on Civil Procedure</p> <p>Section 174 [Change of venue]</p> <p>(1) If, based on the statement of claim, the adjudication of the action falls within the competence or jurisdiction of another court, the court shall refer the action to that other court. Change of venue shall apply also if the adjudication of the dispute in question falls within the scope of a court of competent jurisdiction to hear administrative actions or acting in other administrative court proceedings.</p> <p>(2) The court shall enclose the statement of claim with the ruling sent to the defendant on ordering the change of venue, except if it was already sent to the defendant previously. If the defendant has no legal capacity to be a party to judicial proceedings, the ruling ordering the change of venue need not be sent to the defendant.</p> <p>(3) The ruling ordering the change of venue may be appealed separately. The court shall have power to reverse its ruling on its own accord as well. The statement of claim may not be transferred to the new court before the ruling becomes final.</p> <p>(4) The statement of claim may not be transferred to such court that has already declared its lack of competence or jurisdiction by final decision.</p> <p>(5) The court shall decide cases pertaining to change of venue under priority.</p> <p>Section 175 [Legal consequences of change of venue]</p> <p>(1) If a statement of claim is transferred, it shall be treated as if it was submitted originally with that court, to which it was transferred.</p> <p>(2) The procedural acts of the parties and court orders affected up to the time when the order for the change of venue was introduced shall be deemed to have no effect, except if:</p> <p>a) they relate to the change of venue;</p> <p>b) they took place before the change of action or extension of the action underlying the change of venue; or</p> <p>c) all such actions are approved by the parties and the new court upholds all court orders.</p>
8.	Ireland	The rules applying in Ireland are general rules covering the transfer of proceedings to other courts within this State. There are no specific rules for cases that have an international dimension. Order 49 Rule 7(1) for the Superior Courts and Order 35 Rule 4 for the Circuit Court.

9.	Italy	<p>V part: ON LACK OF JURISDICTION OR COMPETENCE AND LIS PENDENS (1)</p> <p>See section 59 of the Law nr. 69 of 18th June 2009 providing as follows:</p> <p>Section 59. Decision on jurisdiction issues.</p> <ol style="list-style-type: none"> 1. The judge who, on civil, administrative, accounting, fiscal issue or relative to special judges, states his/her lack of jurisdiction, also indicates, if any, the national judge having jurisdiction. The statement of jurisdiction issued by the joint chambers of the Court of Cassation is binding on any judge and party in other proceedings as well. 2. If, within the peremptory term of three months from the final decision as provided under subsection 1, the request is placed again to the judge referred to therein, during the subsequent proceedings, the parties remain bound to that indication without prejudice to the substantial and procedural effects that the request could produce if the judge, whose jurisdiction was stated, had been seized from the beginning of the first instance proceedings, without prejudice to the occurred barring and forfeitures of rights. For the purposes of this subsection, the question arises again through the modalities and forms provided for the judgement in front of the judge seized in relation to the applicable procedure. 3. As far as the question of jurisdiction is concerned, during the trial, the joint chambers of the Court of Cassation have not issued their decision yet and the judge the affair is summarised to can raise that issue ex officio by order to the same joint chambers of the Court of Cassation since the first hearing set to discuss the merits. The provisions of the preventive regulation on jurisdiction remain valid. 4. The failure to comply with the terms provided under this section to resume or continue the proceedings implies the closure of the trial stated, ex officio as well, during the first instance hearing, and prevents the substantial and procedural effects of the request from being preserved. 5. In any case of re-placement of the request in front of the judge pursuant to subsection 1, evidence collected during the trial by the judge lacking competence can be assessed as means of proof. <p>Section 37. (Lack of jurisdiction) The lack of jurisdiction of the ordinary judge towards the public administration or special judges can be established, ex officio as well, in any status and instance of the trial.</p> <p>Section 38. (Lack of competence) The lack of competence on issue, that one on value and territory, can be challenged, under penalty of forfeiture, in the response filed promptly. The objection of lack of competence on territory is not considered raised if it does not contain the indication of the judge the party considers competent.</p>
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Without prejudice to the cases provided under section 28, when the constituted parties adhere to the indication of the judge considered competent for the territory, the competence of the specified judge is confirmed if the legal action is resumed within three months from its cancellation from the Register.

The lack of competence on issue, that one on value and territory, in the cases provided under section 28, is raised, ex officio, not later than the hearing provided under section 183.

The issues specified in the previous subsections are decided, for the purposes of competence only, on the basis of the documentation available and, if any, by means of the objection raised by the respondent or judge, after collecting summary information.

Section 39.

(Lis pendens and consolidation of legal actions)

If the same legal action is presented to different judges, the judge who has been seized after, in any status and instance of the trial, ex officio as well and by order, states the lis pendens and provides for cancelling the legal action from the Register.

In case of consolidation of legal actions, if the judge seized first is also competent for the legal action presented later, the second judge states, through order, the consolidation and set a peremptory term for the parties to resume the action in front of the first judge. If the latter is not competent for the action submitted after as well, he/she issues the statement of consolidation of legal actions and sets the terms.

The chronological order is determined by notifying the summons or filing the appeal.

Section 40.

(Connection)

If different judges are submitted with different legal actions, due to connection reasons, they can be judged in a single trial. By means of an order, the judge communicates a peremptory term to the parties to refer the supplemental legal action in front of the judge seized for the major proceedings and, in the other cases, to the judge seized before.

Connection cannot be appealed by the parties, nor can it be challenged ex officio after the first hearing is celebrated; its referral cannot be ordered when the status of the major legal action or previous proposal does not allow an exhaustive discussion and decision of the connected legal actions.

With regard to the cases provided under section 31, 32, 34, 35 and 36, legal actions, submitted together or reunited later, must be discussed and decided under the ordinary procedure, without prejudice to the application of the special procedure only and when one of the legal action falls within the cases specified in the sections 409 and 442.

If the connected legal actions are subject to different special procedures, they must be discussed and decided under the procedure provided for them on the basis of which jurisdiction is determined or, in the alternative, under the procedure provided for the most important legal action.

If the legal action has been discussed under a procedure different from that one which has become applicable pursuant to the third subsection, the judge adopts the necessary measures as provided under section 426, 427 and 439.

If a legal action falling within the competence of the justice of the peace is connected, for the reasons specified in the sections 31, 32, 34, 35 and 36, to another one falling within the competence of the court, the relative requests can be placed to the court so that the legal actions are decided in the same legal proceedings. If the connected legal actions, as provided under the sixth subsection, are presented to the justice of the peace and court, the justice of the peace must issue, ex officio as well, the connection in favour of the court.

VI part: ON JURISDICTION AND COMPETENCE REGULATION

Section 41.

(Regulation on jurisdiction)

Until the legal action is not decided in the merits in the first instance proceedings, each party can ask the joint chambers of the Court of Cassation to resolve the issues relative to the jurisdiction provided under section 37. The request is placed by appealing pursuant to section 364 and following sections, and it produces the effects provided under section 367.

The public administration, which is not a party of the dispute, can ask, in any status and instance of the trial, that the joint chambers of the Court of Cassation state the lack of jurisdiction of the ordinary judge due to the powers granted to the administration by law until the jurisdiction is not declared by a final judgement.

Section 42.

(Necessary regulation of competence)

The order that, by deciding on the competence pursuant to section 39 and 40 as well, does not decide on the merits of the action and measures stating the suspension of the proceedings pursuant to section 295 can be appealed only by applying for the transfer of the legal action.

Section 43.

(Optional regulation on competence).

The measure that issued the decision on competence and merits can be challenged by applying for the transfer of the legal action or, procedurally, when, together with the decision on competence, an objection is raised on the merits.

The submission of the ordinary appeal does not prevent the parties from having the power of submitting an application to transfer the legal action.

If the application for transferring the legal action is placed before the ordinary appeal, the terms to place it start again from the communication of the order regulating the competence; if it is placed after, section 48 applies.

Section 44.

(Effectiveness of the decision stating the competence)

The order that, pursuant to sections 39 and 40 as well, declares the lack of competence of the judge who pronounced it, if not challenged through application for transfer of the legal action, makes the stated lack of competence and the competence of the judge specified by it indisputable if the legal action is resumed in conformity with the terms provided under section 50, except in case of lack of competence on issue or territory as provided under section 28.

Section 45.

(Conflict of competence)

When, following the order stating the lack of competence of the seized judge on grounds of issue and territory in the cases provided under section 28, within the terms provided under section 50, the legal action is referred to another judge, the latter, if, in his/her turn, believes not to have competence on the affair, asks, ex officio, the transfer of the legal action.

Section 46.

(Cases of inapplicability to transfer the legal action)

The provisions under sections 42 and 43 do not apply to the proceedings celebrated by the justice of the peace.

Section 47.

(Procedure to apply the transfer of a legal action)

The request to transfer a legal action is placed to the Court of Cassation by means of a request placed by the Prosecutor or party when the latter has turned himself/herself personally.

The request must be notified to the parties who did not agree within the peremptory term of 30 days from the communication of the order that had decided on the competence or from the notification of the ordinary request in the case provided under section 43(2). The adhesion of the parties can also result from the signing of the request.

The party that has placed the request, within five days following the last notification of the instance to the parties, must ask the clerks of the court where the proceedings are pending that the related records are transferred to the Office of the

clerk of the Court of Cassation. Within the peremptory term of 20 days from the same notification, the party must file, in the Register of the court, the appeal containing all necessary documents.

The office regulation is requested through order issued by the judge who orders the transfer of the file to the Office of the clerk of the Court of Cassation.

The parties, to whom the appeal has been notified or the order of the judge has been communicated, must file defence statements and documents in the Office of the clerk of the Court of Cassation.

Section 48.

(Suspension of the proceedings)

The legal proceedings, in relation to which a transfer of a legal action has been requested, are suspended from the day the application has been placed to the clerk of the court as provided under the previous section or from the day the order requesting the transfer has been pronounced.

The judge can authorise the fulfilment of urgent acts.

Section 49.

(Decision on the transfer of a legal action)

The regulation is pronounced through order (1) in a closed session within 20 days after the expiry of the deadline provided under the last subsection of section 47.

Through order, (1) the Court of Cassation states on the competence, issues the measures necessary to continue the trial in front of the judge declared competent and, when needed, relieves the parties from the time limit in order that they can provide for their defence.

Section 50.

(Resumption of the action)

If the resumption of the action in front of the judge declared not competent takes place within the term set in the order by the judge and, in the absence, within three months from the communication of the order of transfer or order that declares the lack of competence of the seized judge, the proceedings continue in front of the new judge.

If resumption does not take place within the terms specified above, the proceedings are closed.

10.	Latvia	<p>Section 32 of the Civil Procedure Law:</p> <p>Transfer of a Case Accepted for Examination to Another Court</p> <p>(1) Cases which a court has accepted for examination in conformity with the provisions regarding jurisdiction shall be examined on the merits by such court, notwithstanding that jurisdiction may have changed in the course of examination of the case.</p> <p>(2) A court may transfer a case to another court for examination thereof, if:</p> <p>1) during examination of the case in the court it becomes apparent that the case has been accepted in violation of the provisions regarding jurisdiction;</p> <p>2) after recusal or removal of one or more judges their replacement in the same court is impossible;</p> <p>[(3) deleted]</p> <p>(4) A decision to transfer a case for examination to another court may be appealed by participants in the case in accordance with the procedures laid down in this Law.</p> <p>(5) A case shall be transferred for examination to another court when the time period for notice of appeal has expired, but, if the decision is appealed, after appeal is dismissed.</p> <p>(6) A case which has been sent from one court to another shall be accepted for examination by the court to which the case has been sent.</p>
11.	Lithuania	<p>Civil Procedure Code of the Republic of Lithuania:</p> <p>PART I, CHAPTER IV, Article 34. Referral of a Case Accepted by a Court to Another Court.</p>
12.	Mexico	--
13.	Romania	<p>Article 1082 Code of civil procedure: for cases provided in Articles 1079 and 1080 (exclusive jurisdiction), choice of court agreements, other than a Romanian court, does not operate.</p>
14.	Singapore	<p>Please see Order 110, Rules 7, 12, 13 and 58 of the Rules of Court for the transfer of proceedings between the SICC and the General Division of the High Court, and Order 52 rule 4A, Order 89, sections 54B and 54C of the State Courts Act, for the transfer of proceedings between State Courts and the Supreme Court, and Order 56A rule 12 and Order 57 rule 10A for the transfer of appeals between the Appellate Division of the High Court and the Court of Appeal.</p>
15.	Sweden	<p>The Swedish Code of Judicial Procedure Chapter 10 Section 20 a: If on receiving an application the court considers that it is not competent to entertain the case or determine the application by another procedure but that another court is competent, the application shall be transferred to that other court unless the applicant objects to this and provided there is no other reason against the transfer. An application shall be deemed to have been received by the later court on the same day as it was received by the court that first received the application.</p>

16.	United Kingdom	England and Wales: https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part30 . https://www.legislation.gov.uk/ukpga/1982/27/contents . Scotland: see attachment. Northern Ireland: https://www.legislation.gov.uk/ukpga/1978/23/section/31 .

	General Section (Required)	11. Please attach a copy of your State's domestic law or rules regarding the "registration" / "exequatur" of a judgment for the purpose of recognition and enforcement. Please also share the general timeline for completing such "registration" / "exequatur" procedures.
1.	Croatia	–
2.	Czech Republic	http://obcanskyzakonik.justice.cz/images/pdf/Act-Governing-Private-International-Law.pdf
3.	European Union	<ul style="list-style-type: none"> - The Brussels Ia Regulation – Chapter III (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R1215-20150226); - The Lugano Convention – Title III (https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22007A1221(03)) – Article 38 ff.; - The Choice of Court Convention – Chapter III (https://assets.hcch.net/docs/510bc238-7318-47ed-9ed5-e0972510d98b.pdf). - In the intra-EU relations under the Brussels Ia Regulation, exequatur proceedings have been abolished. - However, the exequatur procedure is still required under the Lugano Convention and, in the absence of any EU-level harmonisation of the recognition and enforcement of third-country judgments, may also be required by national law of the Member States for third-country judgments. The timeline for completing registration / exequatur procedures differs throughout the Union.
4.	Finland	<ul style="list-style-type: none"> - In the intra-EU relations, the Brussels Ia Regulation, exequatur proceedings have been abolished. - The Lugano Convention - Act on International Legal Assistance and Recognition and Enforcement of Judgments in Civil and Commercial Matters (Act 426/2015), (link: https://www.finlex.fi/fi/laki/kaannokset/2015/en20150426.pdf).
5.	France	A l'exception de quelques rares dispositions législatives, les règles françaises relatives à la reconnaissance et l'exécution des décisions étrangères sont jurisprudentielles. Nous ne sommes pas en mesure de transmettre tous les arrêts pertinents rendus en la matière. Nous joignons à ce questionnaire la disposition principale. (renvoi vers la pièce jointe de la question 10; article 509 du code de procédure civile).

6.	Germany	<p>Code of Civil Procedural Law</p> <p>Section 722 Code of Civil Procedural Law</p> <p>Enforceability of foreign judgments</p> <p>(1) Compulsory enforcement may be pursued under the judgment of a foreign court if such compulsory enforcement is ruled admissible by a judgment for enforcement.</p> <p>(2) That local court (Amtsgericht, AG) or regional court (Landgericht, LG) shall be competent for entering the judgment on the complaint filed for such judgment with which the debtor has his general venue, and in all other cases, that local court or regional court shall be competent with which a complaint may be filed against the debtor pursuant to section 23.</p> <p>Section 723 Judgment for enforcement</p> <p>(1) The judgment for enforcement is to be delivered without a review being performed of the decision's legality.</p> <p>(2) The judgment for enforcement is to be delivered only once the judgment handed down by the foreign court has attained legal validity pursuant to the laws applicable to that court. The judgment for enforcement is not to be delivered if the recognition of the judgment is ruled out pursuant to section 328.</p>
7.	Hungary	--
8.	Ireland	<ul style="list-style-type: none"> - For intra-EU issues exequatur proceedings have been abolished by virtue of the Brussels Ia Regulation. - The Lugano Convention and the Choice of Court Convention otherwise apply. - We have no information on timelines involved for “registration”/ “exequatur” procedures in cases.
9.	Italy	<p>Title IV EFFECTIVENESS OF FOREIGN JUDGEMENTS AND ACTS</p> <p>Section 64. Recognition of foreign judgements.</p> <p>1. Italy recognises a foreign judgement without the need of recurring to any procedure when:</p> <p>a) the judge who pronounced it could know the legal action on the basis of the principles of jurisdictional competence proper to the Italian legal system;</p>

- b) the act introducing the proceedings has been notified to the respondent in conformity with the provisions of law of the place where the trial has been celebrated and the fundamental rights of defence have not been infringed;
- c) the parties appeared in court in conformity with the laws of the place where the trial has been celebrated or the absentia has been declared in conformity with that law;
- d) the decision has become final in conformity with the laws of the place where it has been issued;
- e) it is not contrary to another final decision issued by an Italian judge;
- f) there are no other legal proceedings, pending in front of an Italian judge relative to the same issue and between the same parties, started before the foreign trial;
- g) the measures do not cause effects contrary to public order.

Section 65.

Recognition of foreign measures.

1. Foreign measures relative to the legal capacity of persons and to the existence of family relations or rights relating to the personality takes effect in Italy when they have been issued by the Authority of the State whose legal system is recalled by the provisions of this law or produce effects in the legal system of that State, even if they have been issued by the Authority of another State, provided that they are not contrary to public order and fundamental rights to defence are respected.

Section 66.

Recognition of foreign measures on non-contentious jurisdiction.

1. The foreign measures of non-contentious jurisdiction are recognised without the need of other procedures, provided that the condition pursuant to section 65 are respected, since applicable, when they are issued by the Authorities of the State whose legal provisions are recalled in the provision of this law, or they are effective in the legal system of that State even if they have been issued by another State, that is they have been issued by an Authority which is competent on the basis of criteria corresponding to those ones proper to the Italian legal system.

Section 67.

Enforcement of foreign judgements and measures of non-contentious jurisdiction and objection to recognition.

1. In case of failure to comply with or objection to the recognition of a foreign judgement or measure of non-contentious jurisdiction, that is when it is necessary to proceed to a mandatory enforcement, anyone concerned can ask the ordinary judicial Authority the verification of the recognition requirements.
- 1-bis. The disputes provided under subsection 1 are governed by section 30 of the legislative decree nr. 150 of 1st September 2011.
2. The foreign judgement and measure of non-contentious jurisdiction, together with the measure receiving the request specified in the subsection 1, are the title for action and mandatory enforcement.

		3. If the objection is raised during the proceedings, the seized judge issues a decision having a limited effectiveness to the judgement.
10.	Latvia	See Chapter 77 "Recognition and Enforcement of a Ruling of a Foreign Court" of the Civil Procedure Law (official text in Latvian is available here - https://likumi.lv/ta/id/50500-civilprocesa-likums ; translation in English is available here - https://likumi.lv/ta/en/en/id/50500-civil-procedure-law).
11.	Lithuania	Civil Procedure Code of the Republic of Lithuania, CHAPTER LX and Law of the Republic of Lithuania on European Union and International Legal Acts Regulating Civil Procedure Implementation Art. 4.
12.	Mexico	--
13.	Romania	Articles 1094-1110 Code of civil procedure https://legislatie.just.ro/Public/DetaliiDocument/140271 .
14.	Singapore	Please see the Choice of Court Agreements Act and Order 111 of the Rules of Court, as well as the Reciprocal Enforcement of Commonwealth Judgments Act, Reciprocal Enforcement of Foreign Judgments Act, and Order 67 of the Rules of Court.
15.	Sweden	--
16.	United Kingdom	England and Wales: https://www.legislation.gov.uk/ukpga/1982/27/contents . Scotland: see attachment II. Northern Ireland: see attachment III.

	General Section (Required)	<p>12. Would your State consider the HCCH 1931 [Protocole pour reconnaître à la Cour Permanente de Justice Internationale la compétence d'interpréter les Conventions de La Haye de droit international privé] to be in force ?</p> <p>Please explain in more detail.</p>
1.	Croatia	No.
2.	Czech Republic	Not known.
3.	European Union	Not known.
4.	Finland	Not known.
5.	France	Not known.
6.	Germany	Not known.
7.	Hungary	Not known.
8.	Ireland	Not known.
9.	Italy	No.
10.	Latvia	No.
11.	Lithuania	Not known.
12.	Mexico	<p>No.</p> <p>- To our knowledge Mexico has not ratified the Haye Convention.</p>
13.	Romania	Not known.
14.	Singapore	Not known.

15.	Sweden	Not known.
16.	United Kingdom	No. - The UK has not signed or ratified this protocol.

	General Section (Required)	13. Please provide below any suggestions you may have which would assist the PB in encouraging more States to join the Convention (e.g., assistance in drafting policy briefs; organisation of judicial roundtables, seminars or conferences; preparation of case law digests).
1.	Croatia	We do not have any suggestions.
2.	Czech Republic	Roundtables, seminars and conferences.
3.	European Union	Any of the above.
4.	Finland	--
5.	France	Les suggestions proposées nous semblent pertinentes, sous réserve qu'elles ne mobilisent pas de ressources importantes pour le Bureau permanent et les Etats membres.
6.	Germany	See answer by the EU.
7.	Hungary	--
8.	Ireland	The suggestions proposed by the Permanent Bureau would appear to cover the primary reasons for States to join the Convention.
9.	Italy	Organisation of round-table discussions, workshops and conferences would be helpful to make the Convention known, not very well known except among academics.
10.	Latvia	Preparation of case law digest.
11.	Lithuania	Raising awareness on the Convention and sharing good practices on its application.
12.	Mexico	<ul style="list-style-type: none"> - It is convenient to organize judicial roundtables as well as seminar or conferences but also include in the academic programs of the universities that this topic should be included and be explained to the students as well as to practitioners.

		<ul style="list-style-type: none"> - It is also suggested special courses for judges some of them might be organized by the HCCH or the National Chapters. - It can be organized contest or research to talk about this treaty but linked with other substantive fields, such as Intellectual Property.
13.	Romania	--
14.	Singapore	Seminars / conferences on the benefits of the Convention, assistance in drafting implementing legislation.
15.	Sweden	--
16.	United Kingdom	--

	General Section (Required)	14. Would your State support the establishment of an online database of case law relevant to the application of the Convention?
1.	Croatia	--
2.	Czech Republic	--
3.	European Union	Yes.
4.	Finland	--
5.	France	--
6.	Germany	Yes.
7.	Hungary	--
8.	Ireland	--
9.	Italy	--
10.	Latvia	No.
11.	Lithuania	Yes.
12.	Mexico	Yes.
13.	Romania	--
14.	Singapore	Yes.
15.	Sweden	--

16.	United Kingdom	Yes.

	General Section (Required)	15. Are there any specific topics or practical issues that your State would like to be addressed at the HCCH a Bridged Edition 2021?
1.	Croatia	We do not have any suggestions.
2.	Czech Republic	--
3.	European Union	No.
4.	Finland	--
5.	France	Non.
6.	Germany	--
7.	Hungary	--
8.	Ireland	Given the relatively short period of time since the Convention has come into force in Ireland it is not possible to make an assessment at this time.
9.	Italy	No.
10.	Latvia	No.
11.	Lithuania	--
12.	Mexico	Not to our knowledge.
13.	Romania	--
14.	Singapore	--

15.	Sweden	--
16.	United Kingdom	--

	Section A (Optional)	16. How is the general operation of the Convention rated in your State? Additional comments, if any.
1.	Croatia	Not known.
2.	Czech Republic	Not known.
3.	European Union	<p>Excellent.</p> <ul style="list-style-type: none"> - (Correct answer: Not known) - Comment: As noted above, the Court of Justice has not had a chance to rule on any preliminary reference concerning the Choice of Court Convention to date. However, it should be highlighted that CJEU does not deal with all cases concerning the application of the EU law (but mostly with those where a question of interpretation raised is new and of general interest for the uniform application of EU law or where the existing case-law does not appear to give the necessary guidance to deal with a new legal situation). National courts may have thus heard cases concerning the Choice of Court Convention without referring them to the CJEU. It is nevertheless estimated that the overall amount of cases concerning the Choice of Court Convention before national courts of the EU Member States has been rather limited. - Therefore, it is considered premature to make conclusions on the operation of the Convention in the EU.
4.	Finland	--
5.	France	Not known.
6.	Germany	Not known.
7.	Hungary	Not known.
8.	Ireland	<p>Satisfactory.</p> <ul style="list-style-type: none"> - Given the relatively short period of time since the Convention has come into force in Ireland it is not possible to make an assessment at this time.

9.	Italy	Not known.
10.	Latvia	Good.
11.	Lithuania	Not known.
12.	Mexico	Satisfactory.
13.	Romania	Not known.
14.	Singapore	--
15.	Sweden	--
16.	United Kingdom	Excellent.

	Section A (Optional)	17. Please attach any decision(s) relevant to the application of the Convention in your State that do not already appear on the Choice of Court Section of the HCCH website (under “Case law under the Choice of Court Convention”).
1.	Croatia	We do not have such suggestions.
2.	Czech Republic	--
3.	European Union	--
4.	Finland	--
5.	France	Nous n'avons pas identifié de décisions rendues par les juridictions françaises appliquant la convention HCCH de 2005.
6.	Germany	None.
7.	Hungary	N/A.
8.	Ireland	The Courts Service of Ireland indicate that it is not aware of any decisions and does not provide statistics tracking such decisions. The question of jurisdiction under the Choice of Court Convention would presumably be a legal issue which would arise in the course of proceedings issued in the ordinary way. That would not be identifiable at the time of issue so it would be impossible to isolate potential proceedings for statistical purposes.
9.	Italy	Jurisprudential research has not found the existence of relevant decisions.
10.	Latvia	--
11.	Lithuania	--
12.	Mexico	We cannot provide any decision.
13.	Romania	--

14.	Singapore	--
15.	Sweden	--
16.	United Kingdom	Commerzbank v Liquimar Tankers [2017] EWHC 161 (Comm) https://www.bailii.org/ew/cases/EWHC/Comm/2017/161.html .

	Section A (Optional)	18. Have the courts in your State encountered difficulties in the application or interpretation of the Convention? If yes, please explain.
1.	Croatia	Not known.
2.	Czech Republic	Not known.
3.	European Union	No.
4.	Finland	--
5.	France	Not known.
6.	Germany	Not known.
7.	Hungary	Not known.
8.	Ireland	Not known.
9.	Italy	Not known.
10.	Latvia	No.
11.	Lithuania	Not known.
12.	Mexico	Not known.
13.	Romania	Not known.
14.	Singapore	--

15.	Sweden	--
16.	United Kingdom	No.

	Section A (Optional)	<p>19. Would your State agree with the view that finding a choice of court agreement “null and void” as outlined in Articles 5(1) and 6(a) extends to issues of formation and consent (see reference in the Explanatory Report on the Convention, paras 94, 110-114, 125, 126 and 149)?</p> <p>Please include specific comments if any.</p>
1.	Croatia	–
2.	Czech Republic	–
3.	European Union	<p>Not known.</p> <ul style="list-style-type: none"> - Notably, it is only the CJEU that has the final word on the interpretation of the Convention as far as the EU Member States and Union institutions are concerned.
4.	Finland	–
5.	France	<p>Not known.</p> <ul style="list-style-type: none"> - Sur ce point, nous renvoyons à la réponse de l’Union européenne.
6.	Germany	<p>Not known.</p> <ul style="list-style-type: none"> - See answer of the EU.
7.	Hungary	--
8.	Ireland	Not known.
9.	Italy	--
10.	Latvia	Question replied by the EU.

11.	Lithuania	Not known.
12.	Mexico	Not known.
13.	Romania	--
14.	Singapore	--
15.	Sweden	--
16.	United Kingdom	Yes.

	Section A (Optional)	<p>20. In the last five years, in how many cases of a civil or commercial nature and involving foreign parties has your State (including a government, a governmental agency or any person acting for your State) been involved:</p> <ul style="list-style-type: none"> - None - 1-10 - 11-30 - 31-60 - Above 60 - Not known <p>What were the subject matters of the cases?</p>
1.	Croatia	Not known.
2.	Czech Republic	Not known.
3.	European Union	<p>1-10.</p> <ul style="list-style-type: none"> - (Correct answer: Not known) - Comment: As mentioned above, in the absence of a specific choice-of-court agreement in a contract concluded by or on behalf of the Union, the Union institutions may be involved in proceedings before the national courts pursuant to Article 274 TFEU. The overall number of such cases where the Union institutions or its personnel and foreign parties were involved is not known. - With regard to actions brought before the General Court of the EU pursuant Article 272 TFEU in situations where a choice-of-court agreement to the benefit of the Union courts was concluded by or on behalf of the Union, the cases are recorded at: https://curia.europa.eu/jcms/jcms/j_6/en/. If a clause included in the contract confers exclusive right on the CJEU to hear and determine disputes concerning a contract, courts in Member States must decline jurisdiction. As mentioned above, such choice-of-court clauses are included not only in numerous rental or insurance agreements or agreements on purchase of movable or immovable property, but they are also used to directly implement some of the EU policies (grant agreements, subsidies and aids, development assistance etc.).

		<ul style="list-style-type: none"> - The number of cases decided under the choice-of-court agreements pursuant to Article 272 TFEU is increasing. It is estimated that the General Court dealt with over 80 cases concerning Article 272 TFEU in the last five years. However, it should be highlighted that the actions under Article 272 TFEU cover not only contracts governed by private law but also contracts governed by public law. Most of these contracts are also concluded with the parties resident in the European Union rather than with those from third countries.
4.	Finland	--
5.	France	Not known.
6.	Germany	Not known.
7.	Hungary	Not known.
8.	Ireland	Not known.
9.	Italy	Not known.
10.	Latvia	Above 60.
11.	Lithuania	Not known.
12.	Mexico	Not known.
13.	Romania	Not known.
14.	Singapore	--
15.	Sweden	--

16.	United Kingdom	Not known.
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	Section A (Optional)	21. In how many of those cases was there an exclusive choice of court agreement? <ul style="list-style-type: none"> - None. - 1-10. - 11-30. - 31-60. - Above 60. - Not known.
1.	Croatia	Not known.
2.	Czech Republic	Not known.
3.	European Union	Not known.
4.	Finland	--
5.	France	Not known.
6.	Germany	Not known.
7.	Hungary	Not known.
8.	Ireland	Not known.
9.	Italy	Not known.
10.	Latvia	Not known.
11.	Lithuania	Not known.
12.	Mexico	Not known.
13.	Romania	Not known.

14.	Singapore	--
15.	Sweden	--
16.	United Kingdom	Not known.

	Section A (Optional)	22. Is the Convention included in the curricula of judicial training or equivalent professional development schemes for judges in your State? <ul style="list-style-type: none"> - Yes. - No. - Sometimes - No information available.
1.	Croatia	No information available.
2.	Czech Republic	Sometimes.
3.	European Union	Not known.
4.	Finland	--
5.	France	No information available.
6.	Germany	Sometimes.
7.	Hungary	No.
8.	Ireland	No information available.
9.	Italy	Sometimes.
10.	Latvia	Yes.
11.	Lithuania	No.
12.	Mexico	Yes.

13.	Romania	--
14.	Singapore	--
15.	Sweden	Yes.
16.	United Kingdom	Sometimes.

	Section A (Optional)	<p>23. In the Bar Exam or in legal training courses for lawyers, solicitors or barristers, are the participants required to demonstrate knowledge about the Convention?</p> <ul style="list-style-type: none"> - Yes, in the Bar Exam. - Yes, in legal training courses. - Yes, both in the Bar Exam and in legal training courses. - No. - Not known. <p>Additional comments.</p>
1.	Croatia	Not known.
2.	Czech Republic	No.
3.	European Union	--
4.	Finland	--
5.	France	<p>No.</p> <ul style="list-style-type: none"> - Pour le barreau de Paris, les participants ne doivent pas démontrer de connaissance de la convention.
6.	Germany	<p>Not known.</p> <ul style="list-style-type: none"> - In Germany, all legal practitioners undergo standardized training. Judges, public prosecutors, lawyers or jurists in the higher administrative service - they all go through a uniform training, at the end of which there is the qualification for judicial office. According to Section 5 of the German Judiciary Act, anyone who completes a law degree at the university with the first examination and a subsequent preparatory service with the second state bar examination acquires the qualification for the office of judge. - The area of private international law, including the applicable international treaties and conventions, plays an important role in legal studies because of the great practical importance of this area of law.

		<ul style="list-style-type: none"> - In addition, the German Judicial Academy - a supraregional advanced training facility for judges and public prosecutors from all over Germany supported jointly by the federal and state governments - offers advanced training events that also deal with the complex subject of private international law. In addition, the federal states offer further training events on their own responsibility.
7.	Hungary	No.
8.	Ireland	<p>Yes, both in the Bar Exam and in legal training courses.</p> <ul style="list-style-type: none"> - The Honorable Society of King's Inns (King's Inns), established in 1541, is Ireland's Oldest School of Law. It provides training for legal professionals who wish to be awarded the degree of Barrister-at-Law. Kings Inns confirm that choice of forum is an important aspect of procedural knowledge for a barrister. Students cover the Convention on the Barrister-at-Law degree course. There is a section on the Convention in the Kings Inns Foundation Course manual. This Course covers key foundational matters in respect of choice of forum, remedies etc., and constitutes the first two units of the academic year. The Convention also appears at relevant points throughout the Civil Practice course manual, which deals with various aspects of civil procedure. All materials in the Foundation and Civil Practice course manuals are examinable in the assessment of students on Civil Litigation, Evidence and Remedies. - The Law Society of Ireland, which is responsible for the training and regulation of solicitors, includes the Convention as an optional subject on the final part of their Professional Practice Course, and is taken by 50% of trainee solicitors. The Convention is also dealt, as an elective, within various Continuing Professional Development courses.
9.	Italy	<p>No.</p> <ul style="list-style-type: none"> - No one can exclude that a question on the Convention will be placed during the exam of private international law. However, the topic is not mandatory for passing the qualification exam to practice the profession of lawyer, nor is it obligatory within the framework of a Law degree.
10.	Latvia	Yes, in the Bar Exam.
11.	Lithuania	Not known.

12.	Mexico	Yes, in legal training courses.
13.	Romania	Not known.
14.	Singapore	--
15.	Sweden	Not known.
16.	United Kingdom	Yes, both in the Bar Exam and in legal training courses.

	Section A (Optional)	<p>24. Would your State support efforts by the PB, in cooperation with institutions representing legal operators and businesses, to develop model dispute clause(s) for the application of the Convention?</p> <p>If yes, please specify any particular preferences.</p>
1.	Croatia	–
2.	Czech Republic	–
3.	European Union	<p>Yes.</p> <ul style="list-style-type: none"> - In general, the Choice of Court Convention itself does not provide any standardised choice-of-court clauses and regulates only the effects of such agreements on international jurisdiction and recognition and enforcement of foreign judgments. However, choice-of-court clauses are rather commonplace in international business dealings. While the Convention leaves the conditions for the possible nullity of the choice-of-court clauses to national law (Article 5), the formal requirements for such clauses under Article 3 of the Convention are rather minimal. - In this context, such ready-to-use model dispute clause(s) prepared by PB, in cooperation with institutions representing legal operators and businesses, could potentially facilitate international business dealings. However, it is first to be examined carefully whether there is a real need for such model dispute clauses(s) in practice (for instance if any problems exist with the clauses currently used in the international business world) and thereby to determine their possible added value. - Moreover, these efforts to develop model dispute clause(s) for the application of the Convention should not require significant resources from the Permanent Bureau.
4.	Finland	--
5.	France	Not known.
6.	Germany	<p>Yes.</p> <ul style="list-style-type: none"> - See answer by the EU.

7.	Hungary	--
8.	Ireland	Not known.
9.	Italy	--
10.	Latvia	--
11.	Lithuania	Yes.
12.	Mexico	Not known.
13.	Romania	--
14.	Singapore	--
15.	Sweden	--
16.	United Kingdom	Yes.

	Section A (Optional)	<p>25. Would your State support the creation of a country profile to be published on the HCCH website?</p> <p>If yes, please specify any particular information to be included (multiple boxes can be checked):</p> <ul style="list-style-type: none"> - Whether, and under what circumstances, appeals and similar remedies exist. - Rules on subject-matter jurisdiction. - Rules precluding certain parties from bringing proceedings. - Rules precluding proceedings being brought against certain parties. - Rules precluding courts from hearing certain disputes. - Rules requiring cases to be brought within a given period of time (whether procedural or substantive). - Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings). - Rules or conditions for transfer of proceedings to another court. - Rules determining consequences of failure to produce required documents. - Other. <p>If other, please specify.</p>
1.	Croatia	–
2.	Czech Republic	–
3.	European Union	<p>Yes.</p> <ul style="list-style-type: none"> - If yes, please specify any particular information to be included (multiple boxes can be checked): <ul style="list-style-type: none"> o Whether, and under what circumstances, appeals and similar remedies exist: No. o Rules on subject-matter jurisdiction: No. o Rules precluding certain parties from bringing proceedings: No. o Rules precluding proceedings being brought against certain parties: No. o Rules precluding courts from hearing certain disputes: No.

		<ul style="list-style-type: none"> ○ Rules requiring cases to be brought within a given period of time (whether procedural or substantive): No. ○ Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings): No. ○ Rules or conditions for transfer of proceedings to another court: No. ○ Rules determining consequences of failure to produce required documents: No. ○ Other: Yes. <p>The EU is open to discuss possible creation of country profiles provided that no significant resources from the Permanent Bureau and the HCCH and from the Members would be involved for the creation of such country profiles.</p> <p>However, in case such country profiles are considered, they should be tailor-made for the purposes of the Choice of Court Convention in order to ensure their added value and should include information strictly relevant for the purposes of the Convention (for instance indicating which courts are competent to deal with exequatur proceedings or indicating the possible time-limits for the recognition and enforcement of judgments or indicating the circumstances under which the choice-of-court agreements would be considered null and void under the law of each Contracting State in the context of Article 5).</p> <p>However, any such work should certainly not be done at the expense of other projects currently being developed under the umbrella of the HCCH.</p>
4.	Finland	--
5.	France	--
6.	Germany	Yes. - If yes, please specify any particular information to be included (multiple boxes can be checked):

		<ul style="list-style-type: none"> ○ Whether, and under what circumstances, appeals and similar remedies exist: No. ○ Rules on subject-matter jurisdiction: No. ○ Rules precluding certain parties from bringing proceedings: No. ○ Rules precluding proceedings being brought against certain parties: No. ○ Rules precluding courts from hearing certain disputes: No. ○ Rules requiring cases to be brought within a given period of time (whether procedural or substantive): No. ○ Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings): No. ○ Rules or conditions for transfer of proceedings to another court: No. ○ Rules determining consequences of failure to produce required documents: No. ○ Other: Yes. <p>See answer by the EU.</p>
7.	Hungary	--
8.	Ireland	--
9.	Italy	--
10.	Latvia	--
11.	Lithuania	Yes.

		<p>- If yes, please specify any particular information to be included (multiple boxes can be checked):</p> <ul style="list-style-type: none"> ○ Whether, and under what circumstances, appeals and similar remedies exist: No. ○ Rules on subject-matter jurisdiction: No. ○ Rules precluding certain parties from bringing proceedings: No. ○ Rules precluding proceedings being brought against certain parties: No. ○ Rules precluding courts from hearing certain disputes: No. ○ Rules requiring cases to be brought within a given period of time (whether procedural or substantive): No. ○ Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings): No. ○ Rules or conditions for transfer of proceedings to another court: No. ○ Rules determining consequences of failure to produce required documents: No. ○ Other: Yes. <p>No significant resources from the Members should be involved for the creation of such country profiles.</p>
12.	Mexico	<p>Yes.</p> <p>- If yes, please specify any particular information to be included (multiple boxes can be checked):</p> <ul style="list-style-type: none"> ○ Whether, and under what circumstances, appeals and similar remedies exist: Yes. ○ Rules on subject-matter jurisdiction: No. ○ Rules precluding certain parties from bringing proceedings: Yes.

		<ul style="list-style-type: none"> ○ Rules precluding proceedings being brought against certain parties: No. ○ Rules precluding courts from hearing certain disputes: Yes. ○ Rules requiring cases to be brought within a given period of time (whether procedural or substantive): Yes. ○ Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings): No. ○ Rules or conditions for transfer of proceedings to another court: No. ○ Rules determining consequences of failure to produce required documents: Yes. ○ Other: No.
13.	Romania	<p>Yes.</p> <p>- If yes, please specify any particular information to be included (multiple boxes can be checked):</p> <ul style="list-style-type: none"> ○ Whether, and under what circumstances, appeals and similar remedies exist: No. ○ Rules on subject-matter jurisdiction: No. ○ Rules precluding certain parties from bringing proceedings: No. ○ Rules precluding proceedings being brought against certain parties: No. ○ Rules precluding courts from hearing certain disputes: No. ○ Rules requiring cases to be brought within a given period of time (whether procedural or substantive): No. ○ Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings): No.

		<ul style="list-style-type: none"> ○ Rules or conditions for transfer of proceedings to another court: No. ○ Rules determining consequences of failure to produce required documents: No. ○ Other: No.
14.	Singapore	--
15.	Sweden	--
16.	United Kingdom	<p>Yes.</p> <ul style="list-style-type: none"> - If yes, please specify any particular information to be included (multiple boxes can be checked): <ul style="list-style-type: none"> ○ Whether, and under what circumstances, appeals and similar remedies exist: No. ○ Rules on subject-matter jurisdiction: No. ○ Rules precluding certain parties from bringing proceedings: No. ○ Rules precluding proceedings being brought against certain parties: No. ○ Rules precluding courts from hearing certain disputes: No. ○ Rules requiring cases to be brought within a given period of time (whether procedural or substantive): No. ○ Rules on capacity to sue or be sued (e.g., rules that an entity lacking legal personality cannot bring legal proceedings): No. ○ Rules or conditions for transfer of proceedings to another court: No. ○ Rules determining consequences of failure to produce required documents: No. ○ Other: No.