

Council on General Affairs and Policy of the Conference – March 2018

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 1 C of March 2018
Title	Judgments Project: Report on progress made by the Informal Working Groups for the preparation of the Fourth Meeting of the Special Commission on the Judgments Project	
Author	Permanent Bureau	
Agenda item	Item III.1	
Mandate(s)		
Objective	To inform the Council of the preparation of the Fourth Meeting of the Special Commission on the Judgments Project	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes		
Related documents	n.a.	

1. At its Third Meeting, which was held from 13 to 17 November 2017 in The Hague, the Special Commission (SC) on the Recognition and Enforcement of Foreign Judgments drew up the November 2017 draft Convention.¹ However, the SC noted in its Report for the Council on General Affairs and Policy (Council) that “(f)urther intersessional work on certain issues would also be desirable”.²

2. The Chair of the SC therefore suggested to establish several informal working groups to consider a number of issues that would benefit from intensive discussion and co-ordination of proposals before being considered by a plenary meeting. He, in consultation with the Permanent Bureau (PB), identified seven topics (detailed below) for discussion in the working groups. The Chair and the PB encouraged these informal working groups to meet well in advance of the Fourth Meeting of the SC (to be held in May 2018) to facilitate intersessional work in preparation for that meeting, and to continue their work in the course of that meeting as needed.

3. Consequently, in consultation with the Chair and relevant stakeholders, the PB has reached out to various experts to chair each of the seven working groups. The following experts, all of whom expressed a great interest in organising the intersessional work, were invited to chair:

- I. Ms Tanja Domej (Switzerland) – The possible exclusion of privacy matters from the scope of the draft Convention (see Art. 2(1)(l) of the November 2017 draft Convention);
- II. Ms Sarala Subramaniam (Singapore) – Decisions of competent authorities in relation to the validity of intellectual property rights (see Art. 8(3) of the November 2017 draft Convention);
- III. Ms Tonje Meinich (Norway) – Costs of proceedings (see Art. 15 of the November 2017 draft Convention);
- IV. Mr Paul Beaumont (EU) – Declarations with respect to judgments pertaining to governments (see Art. 20 of the November 2017 draft Convention);
- V. Mr Marcelo de Nardi (Brazil) – Common courts (see Art. 21 of the November 2017 draft Convention);
- VI. Mr Timothy Schnabel (USA) – Non-unified legal systems (see Art. 24 of the November 2017 draft Convention);
- VII. Mr Keisuke Takeshita (Japan) – Relationship with other instruments (see Art. 25 of the November 2017 draft Convention).

4. The members of the working groups will not meet in person but make use of different means and methods to conduct the intersessional work: via e-mail groups, Samepage online platforms, or tele-conference, facilitated by the PB. Currently, the intersessional work is ongoing and participating experts, who were nominated by National Organs, are involved in the discussions.

5. With a view to advancing discussions on these topics at the Fourth Meeting, the chairs of the working groups have been invited to submit to the PB considered proposals, should there be any, accompanied by a succinct explanation of the purpose of the proposals, before Friday 4 May 2018; the PB will then prepare these proposals as Working Documents for the SC. The chairs of each working group will also report on the intersessional work at the Fourth Meeting of the SC and introduce any proposal developed by the Working Group.

¹ See “Judgments Project: Report on the Special Commission meeting of November 2017 and next steps”, Prel. Doc. No 1 of December 2017 for the attention of the Council on General Affairs and Policy of the Conference of March 2018, Annex, available on the HCCH website at < www.hcch.net >, under “Governance” then “Council on General Affairs and Policy”.

² “Report to the 2018 General Affairs and Policy”, adopted on 17 November 2017. *Ibid.*, para. 2.