

**Conférence de La Haye de droit international privé
Hague Conference on Private International Law**

**Actes et documents
de la Vingt-deuxième session**

**Proceedings
of the Twenty-Second Session**

Tome II

Matières diverses

Miscellaneous matters

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Proceedings of the Twenty-Second Session

Conférence de La Haye de droit international privé
Hague Conference on Private International Law

Actes et documents de la Vingt-deuxième session 18 juin au 2 juillet 2019

Proceedings of the Twenty-Second Session 18 June to 2 July 2019

Tome II

Matières diverses
Miscellaneous matters

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La présente publication est la deuxième d'une série de deux tomes intitulés *Actes et documents de la Vingt-deuxième session*. Cette série contient l'ensemble des procès-verbaux et documents de travail ayant trait à la Vingt-deuxième session de la HCCH, ainsi que les documents afférents aux réunions préparatoires de la Commission spéciale et aux études préliminaires menées par le Bureau Permanent. Sa forme et son contenu ont été définis dans un souci de mettre à la disposition de toutes les personnes intéressées – juges, universitaires, avocats, particuliers, administrations nationales – les travaux qui ont conduit à l'adoption de la *Convention du 2 juillet 2019 sur la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale*, en vue de permettre au lecteur de mieux comprendre le texte et les débats qui ont déterminé les solutions consacrées dans la Convention.

Ce deuxième tome renferme des informations générales telles que la composition des délégations et les procès-verbaux des séances d'ouverture et de clôture. La suite est consacrée au texte intégral de l'Acte final de la Vingt-deuxième session, ainsi qu'aux propositions de travail et procès-verbaux de la Commission II sur les affaires générales et la politique. Tous les documents afférents aux réunions annuelles du CAGP, qui se sont tenues entre les Vingt et unième et Vingt-deuxième sessions, ne sont pas inclus dans le tome II mais sont disponibles sur le site web de la HCCH (<www.hcch.net>).

Le tome I, divisé en cinq cahiers, rassemble les documents directement liés au texte final de la Convention HCCH Jugements de 2019, dont le Rapport explicatif élaboré par les Professeurs Francisco Garcimartín et Geneviève Saumier.

La HCCH est une organisation bilingue, l'anglais et le français étant ses langues officielles au moment de la tenue de la Vingt-deuxième session. Par conséquent, les documents contenus dans les *Actes et documents* sont reproduits, dans la mesure du possible, dans les deux langues. Conformément à la pratique de la HCCH, les interventions formulées par les délégués lors de la Vingt-deuxième session ont été rendues en français ou en anglais selon la langue dans laquelle l'intervention a été prononcée.

Les travaux d'édition afférents à la publication des *Actes et documents* ont été assurés par Mmes Hélène Guérin, Lydie De Loof, Sandrine Brard et Anna Koelewijn.

This publication is the second in a series of two Tomes entitled *Proceedings of the Twenty-Second Session*. This series contains all the minutes and working documents of the Twenty-Second Session of the HCCH as well as relevant documents from the preparatory Special Commission meetings and the preliminary studies carried out by the Permanent Bureau. Its form and its content have been determined by the concern to render accessible to all interested persons – including judges, academics, lawyers, private individuals, and national administrations – the working materials which led to the *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*, with the aim of enhancing the reader's comprehension of the text and the thinking that determined which solutions were to be embodied in the Convention.

This second Tome includes general information such as the membership of the delegations and the minutes of the Opening and Closing Sessions. The complete text of the Final Act of the Twenty-Second Session appears thereafter. This is followed by the working proposals and minutes of Commission II on General Affairs and Policy. All documents related to the annual CGAP meetings that were held between the Twenty-First and Twenty-Second Sessions are not included in Tome II but are available on the HCCH website (<www.hcch.net>).

Tome I, which is divided into five books, encompasses the documents directly related to the final text of the HCCH 2019 Judgments Convention, including the Explanatory Report drawn up by Professor Francisco Garcimartín and Professor Geneviève Saumier.

The HCCH is a bilingual organisation with both English and French being its official languages at the time of the Twenty-Second Session. Thus, the documents included in the *Proceedings* are reproduced to the extent possible in both languages. In accordance with the practice of the HCCH, the remarks made by delegates during the Twenty-Second Session have been rendered in French or in English depending on the language in which the intervention was made.

Editing of the *Proceedings* was carried out by Ms Helene Guerin, Mrs Lydie De Loof, Mrs Sandrine Brard and Mrs Anna Koelewijn.

La collection complète des *Actes et documents de la Vingt-deuxième session (2019)* se présente comme suit :

Tome I – Jugements (cinq cahiers)

Tome II – Matières diverses

Les *Actes et documents de la Vingt-deuxième session* sont uniquement disponibles en format électronique.

Les publications de la HCCH peuvent être consultées sur le site web (<www.hcch.net>). Le Bureau Permanent peut être contacté à l'adresse suivante : Churchillplein 6b, 2517 JW La Haye, Pays-Bas (courrier électronique : secretariat@hcch.net).

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The complete collection of the *Proceedings of the Twenty-Second Session (2019)* is as follows:

Tome I – Judgments (five books)

Tome II – Miscellaneous matters

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Publications of the HCCH can be consulted on the website (<www.hcch.net>). The Permanent Bureau can be contacted at Churchillplein 6b, 2517 JW The Hague, The Netherlands (e-mail: secretariat@hcch.net).

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H.E. Mr *Rigoberto Gauto Vielman*, Ambassador to the Kingdom of Belgium, the Kingdom of the Netherlands, the Grand Duchy of Luxembourg and Head of Mission to the European Union, Embassy of Paraguay, Brussels, Belgium
H.E. Minister *Alberto Martínez Simón*, Judge of the Supreme Court of Justice, *Corte Suprema de Justicia*, Asunción
Mr *Julio Duarte van Humbeck*, Legal Counsel on Public International Law, *Asesoría Jurídica de Derecho Internacional Público*, Ministerio de Relaciones Exteriores, Asunción
Ms *Sylke Narvaez*, Second Secretary, Embassy of Paraguay, Brussels, Belgium

Pays-Bas/Netherlands

Mr *Paul Vlas*, President of the Netherlands Standing Government Committee on Private International Law; Professor of private international law and comparative law, *Vrije Universiteit Amsterdam*, *Faculteit der Rechtsgeleerdheid*, Amsterdam; Advocate General, Supreme Court of the Netherlands, The Hague
Mr *Luc Strikwerda*, Vice-President of the Netherlands Standing Government Committee on Private International Law; Former Advocate General, Supreme Court of the Netherlands, The Hague
Mrs *Paulien M.M. van der Grinten*, Senior Legal Counsel, Legal Department, Ministry of Justice and Security, The Hague
Mrs *Noura ten Kate*, Legislative Lawyer, Legal Department, Ministry of Justice and Security, The Hague
Mr *Jan O. van der Loo*, Director, Legal Affairs Department, Ministry of Foreign Affairs, The Hague

Mrs *Mieke C. Thewessen-Eeltink*, Legal Officer, Legal Affairs Department, Ministry of Foreign Affairs, The Hague

Pérou/Peru

H.E. Mr *Carlos Andrés Miguel Herrera Rodríguez*, Ambassador of Peru, Embassy of Peru, The Hague
Mr *Cesar Larrain*, Deputy Chief of Mission, Embassy of Peru, The Hague
Mr *Lucas Otero Peterka*, First Secretary, Embassy of Peru, The Hague
Mr *Francis Chavez*, Second Secretary, Embassy of Peru, The Hague

Philippines

H.E. Mr *Jaime Victor Badillo Ledda*, Ambassador of the Philippines, Embassy of the Philippines, The Hague
Mr *Zoilo A. Velasco*, Second Secretary and Consul, Embassy of the Philippines, The Hague
Mr *Edgar Adolfo V. Guibone*, Legal Officer, Embassy of the Philippines, The Hague
Mrs *Elizabeth Aguilin-Pangalangan*, LL.M., Professor of Private International Law, College of Law, University of the Philippines, Quezon City; Director, Institute of Human Rights, Quezon City

Pologne/Poland

H.E. Mr *Marcin Czepelak*, Ambassador of Poland, Embassy of Poland, The Hague
Mr *Grzegorz Zyman*, First Counsellor, Embassy of Poland, The Hague
Dr *Agnieszka Golaszewska*, Deputy Director, Legislative Department of Civil Law, Ministry of Justice, Warsaw
Ms *Agnieszka Tomczewska*, Head of Section of European Civil Law, Legislative Department of Civil Law, Ministry of Justice, Warsaw

Portugal

H.E. Mrs *Rosa Batoréu*, Ambassador of Portugal, Embassy of Portugal, The Hague
Mr *Pedro Francisco Bugalho de Lacerda*, Legal Counsellor, *Direcção-Geral da Política de Justiça (DGPJ)*, *Gabinete de Relações Internacionais*, *Ministério da Justiça*, Lisboa
Ms *Susana Lopo*, Technical and Legal Adviser, Embassy of Portugal, The Hague

République tchèque/Czech Republic

Ms *Zuzana Fišerová*, Director, International Department for Civil Matters, Ministry of Justice, Prague
Ms *Jana Hofmannová*, Head of Unit, European Private Law, Ministry of Justice, Prague
Ms *Katerina Putnová*, European Private Law Unit, Ministry of Justice, Prague
Ms *Alzbeta Studená*, European Private Law Unit, Ministry of Justice, Prague
Mr *Martin Pizinger*, First Secretary, Embassy of the Czech Republic, The Hague

Roumanie/Romania

Présidence du Conseil de l'Union européenne du 1^{er} janvier au 30 juin 2019/Presidency of the Council of the European Union from 1 January to 30 June 2019

H.E. Ms *Brândusa Iona Predescu*, Ambassador of Romania, Embassy of Romania, The Hague

Mr *Nicolin Mugurel Chivu*, Diplomatic Counsellor, Head of the Justice Unit, Permanent Representation of Romania to the European Union, Brussels, Belgium

Ms *Alina Nicoleta Rădoi*, JHA Counsellor, Permanent Representation of Romania to the European Union, Brussels, Belgium

Ms *Ioana Burduf*, Legal Advisor, Department of International Law and Judicial Cooperation, Ministry of Justice, Bucharest

Mrs *Raluca Karassi-Radulescu*, Legal Advisor, Embassy of Romania, The Hague

Royaume-Uni de Grande-Bretagne et d'Irlande du Nord/United Kingdom of Great Britain and Northern Ireland

Mr *Eral Knight*, Ministry of Justice, London

Ms *Cathryn Hannah*, Ministry of Justice, London

Ms *Emma Burgess*, Senior Lawyer, Civil and Family Division, Ministry of Justice Legal Advisers, Government Legal Department, Ministry of Justice, London

Ms *Alicia Swannell*, Lawyer, Civil and Family Division, Ministry of Justice Legal Advisers, Government Legal Department, Ministry of Justice, London

Mr *James Porter*, Intellectual Property Office, Newport

Mr *Matthew Cope*, Intellectual Property Office, Newport

Russie, Fédération de/Russian Federation

Mr *Mikhail L. Galperin*, Representative of the Russian Federation at the European Court of Human Rights, Deputy Minister of Justice of the Russian Federation, Ministry of Justice, Moscow

Ms *Alexandra V. Dronova*, Director of the Department for Legal Aid and Interaction with the Judicial System, Ministry of Justice, Moscow

Mr *G.P. Ivliev*, Head of the Federal Service for Intellectual Property, Moscow

Mr *A.I. Parshin*, Deputy Director General of the Judicial Department, Supreme Court of the Russian Federation, Moscow

Ms *N.V. Romashova*, Director of the Legal Department, Ministry of Culture of the Russian Federation, Moscow

Mr *S.V. Dyachenko*, Head of the Division of the Department of Regulatory Policy of the Government of the Russian Federation, Moscow

Ms *E.A. Kudelich*, Deputy Director of the Department of International Law and Cooperation, Ministry of Justice, Moscow

Ms *Elena V. Kulikova*, Deputy Director of the Legal Department, Ministry of Foreign Affairs, Moscow

Ms *M.U. Perfilyeva*, Deputy Head of the Department of International Cooperation of the Federal Service for Intellectual Property, Moscow

Ms *U.I. Antipova*, Specialist of the Division of the Legal Department, Ministry of Economic Development of the Russian Federation, Moscow

Mr *S.U. Cherniy*, Acting Head of the Division of International Cooperation of the Judicial Department, Supreme Court of the Russian Federation, Moscow

Ms *S.G. Zakoulova*, Head of the Division of International Cooperation of the Legal Department of the Federal Bailiff Service, Moscow

Ms *Victoria Goncharova*, Third Secretary, Embassy of the Russian Federation, The Hague

Serbie/Serbia

Mr *Aleksandar Gajić*, Chief Legal Advisor, Ministry of Foreign Affairs, Belgrade

H.E. Mr *Petar Vico*, Ambassador of the Republic of Serbia, Embassy of the Republic of Serbia, The Hague

Mr *Marko Jovanović*, Assistant Chief Legal Advisor, Ministry of Foreign Affairs, Belgrade
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Singapour/Singapore

Ms *Natalie Yu-Lin Morris-Sharma*, Director, International Legal Division, Ministry of Law, Singapore
Mr *Wenzhao Zhuo*, Director, International Partnership Unit, Ministry of Law, Singapore
Mrs *Rena Lee*, Minister-Counsellor, The Hague Diplomatic Office, Embassy of the Republic of Singapore – Belgium, The Netherlands & Luxembourg and Mission to the European Union, The Hague
Mr *Tiong Min Yeo*, Yong Pung How Chair, Professor of Law, Singapore Management University, Singapore
Ms *Adrianni Marhain*, Senior Assistant Director, International Legal Division, Ministry of Law, Singapore
Ms *Kristy Yihui Teo*, Senior Executive, International Legal Division, Ministry of Law, Singapore

Slovaquie/Slovakia

H.E. Mr *Roman Bužek*, Ambassador of the Slovak Republic, Embassy of the Slovak Republic, The Hague
Mr *Stefan Majernik*, State Counsellor, Private International & European Law Division, Ministry of Justice, Bratislava
Ms *Dana Hulková*, First Secretary, Embassy of the Slovak Republic, The Hague

Slovénie/Slovenia

Mr *Marko Stucin*, Deputy Head of Mission, Embassy of the Republic of Slovenia, The Hague
Ms *Judita Dolžan*, Undersecretary, Bureau for International Cooperation and International Legal Assistance, Ministry of Justice, Ljubljana
Ms *Jana Kulevska Crepinko*, Advisor, Embassy of the Republic of Slovenia, The Hague

Sri Lanka

Mrs *Fathima Shaheeda Mohamed Barrie*, Senior State Counsel, Attorney General's Department, Colombo
Miss *Sakunthala Rajamanthri*, Legal Officer, Ministry of Foreign Affairs Sri Lanka, Colombo

Suède/Sweden

Mr *Jonas Öhlund*, Legal Advisor, Division for Procedural Law and Court Issues, Ministry of Justice, Stockholm
Mr *Erik Sterner*, Legal Advisor, Division for Procedural Law and Court Issues, Ministry of Justice, Stockholm
Ms *Anna Wränge*, Counsellor (Legal and Multilateral Affairs), Embassy of Sweden, The Hague

Suisse/Switzerland

M. *Niklaus Meier*, Chef (en jobsharing) de l'Unité droit international privé, Office Fédéral de la Justice (OFJ), Berne
Prof. Dr *Tanja Domej*, Chaire de procédure civile, droit privé, droit international privé et droit comparé, Université de Zurich, Zurich
M. *Jürg Herren*, Chef (Service juridique Droit général, designs et mise en œuvre du droit), Suppléant (Droit et affaires internationales), Institut Fédéral de la Propriété Intellectuelle, Berne

Tunisie/Tunisia

S.E. M. *Elyes Ghariani*, Ambassadeur de la République Tunisienne, Ambassade de Tunisie, La Haye
Mme *Salma Nanous*, Première Conseillère, Ambassade de Tunisie, La Haye
Mme *Feten Bahri*, Conseillère, Ambassade de Tunisie, La Haye

Turquie/Turkey

H.E. Mr *Şaban Dişli*, Ambassador of Turkey, Embassy of Turkey, The Hague
Mr *Yusuf Çalışkan*, Professor, Dean of Ibn Haldun University, Faculty of Law, Ibn Haldun University, Basaksehir / Istanbul
Mr *Yetkin Ergün*, Legal Counsellor, Embassy of Turkey, The Hague

Ukraine

H.E. Mr *Vsevolod Chentsov*, Ambassador Extraordinary and Plenipotentiary of Ukraine to the Kingdom of the Netherlands, Embassy of Ukraine, The Hague
Ms *Iryna Bondarenko*, Chief Consultant of the Main State-Legal Department, Presidential Administration of Ukraine, Kyiv
Mr *Serhiy Koledov*, Head of the Division of International Treaties and Official Translations of the Department of International Law, Ministry of Foreign Affairs, Kyiv
Mrs *Lyudmyla Ruda*, Deputy Head of the Department for International Legal Assistance – Head of the Unit on Conclusion of International Treaties on Legal Assistance, Directorate for International Law, Ministry of Justice, Kyiv
Ms *Kateryna Shevchenko*, Deputy Head of the Directorate for International Law – Head of the Department for International Legal Assistance, Ministry of Justice, Kyiv
Ms *Natalia Kolomiets*, Minister-Counsellor, Embassy of Ukraine, The Hague

Union européenne/European Union

Présidence du Conseil de l'Union européenne : Roumanie du 1^{er} janvier au 30 juin 2019 ; Finlande du 1^{er} juillet au 31 décembre 2019
Presidency of the Council of the European Union: Romania from 1 January to 30 June 2019; Finland from 1 July to 31 December 2019

Commission européenne European Commission

Ms *Salla Saastamoinen*, Director for Civil and Commercial Justice Directorate A, Civil and Commercial Justice, Directorate-General for Justice and Consumers, European Commission, Brussels
Mr *Andreas Stein*, Head of Civil Justice Unit, Directorate-General for Justice and Consumers, European Commission, Brussels
Ms *Andrea Schulz*, Legal Officer, Civil Justice Unit, Directorate-General for Justice and Consumers, European Commission, Brussels
Mr *Norel Rosner*, Legal Officer, Civil Justice Unit, Directorate-General for Justice and Consumers, European Commission, Brussels
Ms *Karen Vandekerckhove*, Head of Unit, Directorate-General for Justice and Consumers, European Commission, Brussels
Mr *Davide Follador*, Legal and Policy Officer, Directorate-General Internal Market, Industry, Entrepreneurship and SMEs (GROW), Unit Industrial Property and Fight against Counterfeiting (F3), European Commission, Brussels

Ms *Elvina Morkyte*, Policy Officer, Directorate-General Internal Market, Industry, Entrepreneurship and SMEs (GROW), Unit Business-to-business Services (E4), European Commission, Brussels

Ms *Lenka Vysoká*, Stagiaire, Civil Justice Unit, Directorate-General for Justice and Consumers, European Commission, Brussels

Mr *Paul R. Beaumont*, Independent Expert for the EU Delegation; Professor of European Union and Private International Law, School of Law, University of Aberdeen, Old Aberdeen, Scotland

Conseil de l'Union européenne, Secrétariat général
Council of the European Union, General Secretariat

Mr *Alain Pilette*, Deputy-Director, Justice Directorate (JAI), Directorate-General for Justice and Home Affairs, General Secretariat of the Council of the European Union, Brussels

Ms *Christina Strömholm*, Political Administrator, Justice Directorate (JAI.2), Directorate-General for Justice and Home Affairs, General Secretariat of the Council of the European Union, Brussels

Mr *Gabriel Blaj*, Political Administrator, Justice Directorate (JAI.2), Directorate-General for Justice and Home Affairs, General Secretariat of the Council of the European Union, Brussels

Uruguay

H.E. Ms *Laura Dupuy Lasserre*, Ambassador of the Republic of Uruguay, Embassy of the Republic of Uruguay, The Hague

Mr *Marcos Dotta Salgueiro*, Deputy Director of International Law Affairs, *Ministerio de Relaciones Exteriores*, Montevideo

Mrs *Anahi Aguirre*, Second Secretary, Embassy of the Republic of Uruguay, The Hague

Observateurs d'États invités

Observers for invited States

Émirats arabes unis/United Arab Emirates

H.E. Dr *Hissa Abdulla Alotaiba*, Ambassador of the United Arab Emirates, Embassy of the United Arab Emirates, The Hague

H.E. Mr *Ahmad Saeed Obaid Meshar Almheiri*, General Secretary, Supreme Legislation Committee, Dubai

Mr *Mohamed Alowais*, Head of the Department of International Organizations, Embassy of the United Arab Emirates, The Hague

Indonésie/Indonesia

Ms *Lefianna H. Ferdinandus*, Director for Law and Socio-Cultural Affairs, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta

Ms *Indriati Kusumawardhani*, Second Secretary, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta

Ms *Dina Juliani*, Assistant Deputy Director of International Private Law, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta

Mr *Randy Yuliawan*, Cooperation Agreement Analyst, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta

Ms *Margaretha Uly Pakpahan*, Cooperation Agreement Analyst, Ministry of Law and Human Rights of the Republic of Indonesia, Jakarta

Iran

H.E. Mr *Ali Reza Kazemi Abadi*, Ambassador of the Islamic Republic of Iran, Embassy of the Islamic Republic of Iran, The Hague

Mr *Mahdi Hadi*, Legal Adviser to the Deputy of the Judiciary of the Islamic Republic of Iran, Tehran

Mr *Reza Pourmand Tehrani*, Deputy Ambassador for Legal & International Affairs, Minister Plenipotentiary, Embassy of the Islamic Republic of Iran, The Hague

Mr *Seyed Kamal Mirkhalaf*, Counsellor and Legal Advisor, Embassy of the Islamic Republic of Iran, The Hague

Liban/Lebanon

H.E. Mr *Abdel Sattar Issa*, Ambassador of Lebanon, Embassy of Lebanon, The Hague

République d'Ouzbékistan/Republic of Uzbekistan

H.E. Mr *Khudoyor Meliev*, Deputy Minister of Justice, Ministry of Justice, Tashkent City

Mr *Mirvokhid Azimov*, Director of the Treaty-Law Department, Ministry of Foreign Affairs, Tashkent

Mr *Alimdjan Kariev*, Head of the International Legal Division, Supreme Court of the Republic of Uzbekistan, Tashkent

Ms *Khurliman Aytniyazova*, Chief Consultant of the Department on Legal Protection of Interests of the Republic of Uzbekistan in International and Foreign Organizations, Ministry of Justice, Tashkent City

Ms *Diana Bayzakova*, Head of the Tashkent International Arbitration Centre (TIAC), Tashkent

Ms *Umida Sharifbaeva*, Programme Assistant, OSCE Project Co-ordinator in Uzbekistan, Tashkent

Thaïlande/Thailand

Ms *Tanyarat Mungkalarungsi*, Minister-Counsellor, Royal Thai Embassy, The Hague

Observateurs d'organisations intergouvernementales

Observers for intergovernmental organisations

Commission Internationale de l'État Civil International Commission On Civil Status

M. *Nicolas Nord*, Secrétaire Général adjoint de la Commission internationale de l'état civil (CIEC), Strasbourg, France

Institut international pour l'unification du droit privé International Institute for the Unification of Private Law

Ms *Anna Veneziano*, Deputy Secretary-General, Institut international pour l'unification du droit privé (UNIDROIT), Rome, Italy

Mr *William Brydie-Watson*, Senior Legal Officer, UNIDROIT, Rome, Italy

Office européen des brevets European Patent Office

Mr *Stefan Luginbuehl*, PhD Lawyer, Head of Department European Legal Affairs, European Patent Office (EPO), Munich, Germany

Organisation Mondiale de la Propriété Intellectuelle World Intellectual Property Organization

Ms *Eun-Joo Min*, Director, WIPO Judicial Institute, Office of the Legal Counsel, World Intellectual Property Organization (WIPO), Geneva, Switzerland

Organisation pour l'Harmonisation en Afrique du Droit des Affaires Organisation for the Harmonization of Business Law in Africa

M. *Dorothé Cossi Sossa*, Secrétaire Permanent, Organisation pour l'Harmonisation en Afrique du Droit des Affaires (OHADA), Yaoundé, Cameroun

Observateurs d'organisations
non gouvernementales

Observers for non-governmental
organisations

Asian Business Law Institute

Dr *Adeline Chong*, Project Lead for ABLI's Foreign Judgment Project; Associate Professor, Singapore Management University, Singapore

Association Internationale pour la Protection de la Propriété Intellectuelle
International Association for the Protection of Intellectual Property

Ms *Anne Marie Verschuur*, First Deputy Reporter General of AIPPI, Association Internationale pour la Protection de la Propriété Industrielle, Zurich, Switzerland

Association internationale du barreau
International Bar Association

Mr *Alexander Hansebout*, Partner, Altius, Brussels, Belgium
Ms *Akima Paul Lambert*, International Counsel, Debevoise & Plimpton, London, United Kingdom
Ms *Sara Chisholm-Batten*, Partner; Member, IBA Litigation Committee, Michelmores LLP, London, United Kingdom
Ms *Christa Feltham*, Solicitor, Michelmores LLP, London, United Kingdom

Chambre de Commerce Internationale
International Chamber Of Commerce

Ms *Emily O'Connor*, Director – Trade and Investment, International Chamber of Commerce (ICC), Paris, France

Groupe européen de droit international privé
European Group For Private International Law

M. *Andrea Bonomi*, Vice-directeur de l'École de droit ; Directeur du CDCEI, Université de Lausanne, Centre de droit comparé, Lausanne, Suisse

International Federation of the Phonographic Industry

Mrs *Xenia Iwazsko-Manning*, Director of International Trade, International Federation of the Phonographic Industry (IFPI), IFPI Secretariat, London, United Kingdom

International Law Association

Mr *David P. Stewart*, Former President ILA American Branch; Professor of Practice, Law Center, Georgetown University, Washington, D.C.

International Swaps And Derivatives Association

Mr *Peter M. Werner*, Senior Counsel, International Swaps and Derivatives Association (ISDA), London, United Kingdom

International Trademark Association

Ms *Iris Gunther*, Manager External Relations – Enforcement, International Trademark Association (INTA), New York, NY, United States of America

P.R.I.M.E. Finance Foundation

Mrs *Camilla M.L. Perera-de Wit*, Head of Secretariat, P.R.I.M.E. Finance Foundation, The Hague
Mr *Luis Popoli*, Legal Officer, P.R.I.M.E. Finance Foundation, The Hague
Mr *Conrad Pritzker*, Legal Intern, P.R.I.M.E. Finance Foundation, The Hague
Ms *Florence Noorinejad*, Legal Intern, P.R.I.M.E. Finance Foundation, The Hague
Mr *Patrick Loeffler*, Legal Intern, P.R.I.M.E. Finance Foundation, The Hague
Ms *Abhaya Ganashree*, Legal Intern, P.R.I.M.E. Finance Foundation, The Hague

Union internationale des huissiers de justice et officiers judiciaires
International Union of Judicial Officers

Mr *Jona van Leeuwen*, Advisor to the President, Union internationale des huissiers de justice (UIHJ), Paris, France

Union Internationale des Magistrats
International Association of Judges

Mr *M.F.J.N. (Tijn) van Osch*, Sr. Raadsheer, Voorzitter Raad van Discipline Civiel, Arnhem, Netherlands

Bureau de la Vingt-deuxième session

Officers of the Twenty-Second Session

**Président de la Vingt-deuxième session
President of the Twenty-Second Session**

Mr *Paul Vlas* (Pays-Bas/Netherlands)

**Vice-présidents de la Vingt-deuxième session
Vice-Chairs of the Twenty-Second Session**

Mr *Pieter André Stemmet* (Afrique du Sud/South Africa)

H.E. Mr *Hong Xu* (Chine/China)

Mr *Paul Herrup* (États-Unis d'Amérique/United States of America)

Mr *Mikhail L. Galperin* (Fédération de Russie/Russian Federation)

Mr *Andreas Stein* (Union européenne/European Union)

Mr *Marcos Dotta Salgueiro* (Uruguay)

COMMISSION I –
RECONNAISSANCE ET EXÉCUTION DES JUGEMENTS ÉTRANGERS
EN MATIÈRE CIVILE OU COMMERCIALE/RECOGNITION AND EN-
FORCEMENT OF FOREIGN JUDGMENTS IN CIVIL OR COMMER-
CIAL MATTERS

Président/Chair

Mr *David J. Goddard*, QC (Nouvelle-Zélande/New Zealand)

Vice-Présidents/Vice-Chairs

Mr *Boni de M. Soares* (Brésil/Brazil)

Mr *Kathryn Sabo* (Canada)

Mrs *Tonje Meinich* (Norvège/Norway)

Mrs *Elizabeth Aguilin-Pangalangan* (Philippines)

Rapporteurs/Reporters

Ms *Geneviève Saumier* (Canada)

Dr *Francisco J. Garcimartín Alférez* (Espagne/Spain)

COMMISSION II –
AFFAIRES GÉNÉRALES ET POLITIQUE/GENERAL AFFAIRS AND
POLICY

Président/Chair

Mr *Andrew Walter* (Australie/Australia)

Rapporteur/Reporter

Les membres du Bureau Permanent/The members of the
Permanent Bureau

Liste/List – Participants

Secrétariat de la Vingt-deuxième session

Secretariat of the Twenty-Second Session

Secrétaire général – Secretary General

M. *Christophe Bernasconi*

Premiers secrétaires – First Secretaries

M. *Philippe Lortie*

Mr *João Ribeiro-Bidaoui*

Ms *Gérardine Goh Escolar*

Secrétaire – Secretary

Mrs *Laura Martínez-Mora*

**Représentant du Bureau régional pour l'Amérique la-
tine et les Caraïbes (BRALC) – Representative of the Re-
gional Office for Latin America and the Caribbean
(ROLAC)**

Mr *Ignacio Goicoechea*

**Représentant du Bureau régional pour l'Asie et le Paci-
fique (BRAP) – Representative of the Regional Office for
Asia and the Pacific (ROAP)**

Mr *Frank Poon*

**Collaboratrice juridique principale – Principal Legal Of-
ficer**

Ms *Mayela Celis*

**Attaché du Secrétaire général – Attaché to the Secretary
General**

Mr *Thomas John*

Collaboratrice juridique senior – Senior Legal Officer

Mrs *Ning Zhao*

Collaborateurs juridiques – Legal Officers

Mr *Brody Warren*

M. *Frédéric Breger*

Ms *Capucine Page*

Ms *Rym Laoufi*

Personnel détaché – Seconded personnel

Mr *Dongwon Kang*

Liste/List – Participants

17

Experts invités – Invited experts

Mr Michael Douglas (Australie/Australia)
Ms Cristina M. Mariottini (Luxembourg)
Ms Cara North (États-Unis d'Amérique/United States of America)

Secrétaires rédacteurs – Recording Secretaries

Mr *Derek M. Bayley*
Ms *Josephine Dooley*
M. *Stéphane Grossin*
Ms *Eva M. Jüptner*
Ms *Alexandra Kaye*
Ms *Sophie Yates*

Séances d'ouverture
et de clôture
Opening and
Closing Sessions

Procès-verbal de la Séance d'ouverture

Minutes of the Opening Session

Mardi 18 juin 2019 (matin)

Tuesday 18 June 2019 (morning)

1. **Le Président de la Session, M. Paul Vlas** (Président de la Commission d'État néerlandaise de droit international privé), ouvre la séance à 9 h 10 dans le bâtiment de l'Académie du Palais de la Paix en présence des Délégués des Membres de la Conférence de La Haye de droit international privé suivants : Afrique du Sud, Albanie, Allemagne, Arabie saoudite, Argentine, Australie, Autriche, Bélarus, Belgique, Brésil, Bulgarie, Canada, Chili, Chine (République populaire de), Chypre, Corée (République de), Costa Rica, Croatie, Danemark, Égypte, Équateur, Espagne, États-Unis d'Amérique, Finlande, France, Grèce, Hongrie, Inde, Irlande, Israël, Italie, Japon, Jordanie, Kazakhstan, Lituanie, Luxembourg, Malte, Mexique, Norvège, Nouvelle-Zélande, Paraguay, Pays-Bas, Pérou, Philippines, Pologne, Portugal, République tchèque, Roumanie, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Russie (Fédération de), Serbie, Singapour, Slovaquie, Slovénie, Sri Lanka, Suède, Suisse, Tunisie, Turquie, Ukraine, Union européenne et Uruguay.

2. Assistent à titre d'observateurs les Émirats Arabes Unis, l'Indonésie, la République d'Ouzbékistan et la Thaïlande, ainsi que les organisations intergouvernementales et non gouvernementales suivantes : Commission Internationale de l'État Civil (CIEC), Institut international pour l'unification du droit privé (UNIDROIT), P.R.I.M.E. Finance Foundation, International Law Association (ILA), International Law Institute (ILI), International Swaps and Derivatives Association (ISDA), Union internationale des huissiers de justice et officiers judiciaires (UIHJ), Union internationale des magistrats (UIM).

3. Honore de sa présence à cette Séance d'ouverture Mme Gerry ter Huurne, Directrice de la Division du droit et de la justice au ministère de la Justice et de la Sécurité du Royaume des Pays-Bas.

4. Sont présents en outre les experts invités suivants : Mme Cristina M. Mariottini et Mme Cara North.

5. Le Président prononce le discours suivant :

« Vos excellences, M. le Secrétaire général de la Conférence de La Haye, Mesdames et Messieurs les délégués des Membres de la Conférence de La Haye, Mesdames et Messieurs les représentants des organisations internationales, gouvernementales ou non gouvernementales, qui ont bien voulu donner suite à l'invitation de se faire représenter par des observateurs, je vous souhaite la bienvenue à la Conférence de La Haye et à La Haye, cité de la paix et du droit.

C'est pour moi un grand honneur de prendre la parole aujourd'hui à l'occasion de la Vingt-deuxième session de la

Conférence de La Haye, en ma qualité de Président de la Commission d'État néerlandaise de droit international privé. C'est aussi un grand honneur et une grande responsabilité que le Statut de la Conférence confie la tâche de présider les Sessions diplomatiques de la Conférence de La Haye au Président de la Commission d'État néerlandaise de droit international privé. Je vous assure que je fais de mieux de faciliter et de réussir cette Session diplomatique de la Conférence. Si vous me permettez, je continuerai en anglais.

When I look around the room, when I peruse the List of Participants of this Twenty-Second Session, I am in awe with the collective expertise and intellect that has gathered. You come from all corners of the globe to participate in this Twenty-Second Session. Tobias Asser, one of the founding fathers of the Hague Conference and its first President in 1893, would be immensely proud of this turnout. Since Asser's days, 126 years have passed, and being one of Asser's successors, I am simply deeply honoured to welcome you all.

A glance at the agenda of this Twenty-Second Session conveys a very clear message: in the coming fortnight, we will have a lot of work to do.

Much will need to be achieved to pursue the one goal we all have in common in the next fourteen days: the successful negotiation and adoption of what would become the 40th global instrument developed by the Hague Conference on Private International Law, the 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

It is therefore my great privilege and honour to open officially the Twenty-Second Session of the Hague Conference on Private International Law.

I now invite Ms Gerry ter Huurne, Director of the Law and Justice Division at the Ministry of Justice and Security of the Kingdom of the Netherlands, to make some remarks on the occasion of the opening of the Twenty-Second Session."

6. **Ms Gerry ter Huurne** gave the following speech:

"Mr Secretary General, Mr President of the Diplomatic Conference, and honoured guests from all over the world, welcome to The Hague. On the first day of the Diplomatic Conference on the Judgments Project of the Hague Conference on Private International Law, it is a great honour to address you all on behalf of the Dutch Ministry of Justice and Security. Our Minister of Justice is unfortunately unable to attend this morning, but I am very happy to replace him on this special occasion. We are honoured that so many of you are here these two weeks to make this Diplomatic Conference a success. So many of you have worked for years to prepare for this milestone in Special Commissions and in Expert Groups. The Draft Convention on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters is a result of this hard work. In these two weeks, you will negotiate this draft hopefully with success. We are also honoured that the Hague and, more specifically, the Peace Palace is the backdrop for these important negotiations. As a country where trade is traditionally of great importance, the Netherlands greatly values the Judgments Project. Generations of entrepreneurs have hoped and are still hoping their doing business will go smoothly. But in practice, disputes cannot always be avoided. Also, in general, anyone can be a party to a civil or commercial contract from which disputes may arise. In all

these cases, contracting parties should be able to go to an independent court and defend their alleged right. And if that alleged right is deemed to be an actual right by that independent court, they should also be able to enforce it, both in their own country and abroad. The Draft Convention meets the needs of anyone wishing to enforce their rights in an effective but simple way. You are therefore entrusted with the important task of simplifying the lives of our citizens and companies, a simplification that is more and more essential in a world of rapidly increasing digitalisation and globalisation. It is not an easy task. But with an open mind and firm knowledge of international private law, an acceptable and workable solution for everyone is within reach. Looking at all of you this morning, I am confident that your expertise will help to make the Judgments Project a success. I wish you the best of luck and determination and hope that you will keep the goal of simplifying the lives of our citizens and companies in mind over the next two weeks. In that way I am confident that the outcome of the negotiations will be positive, and a convention can be adopted shortly. Best of luck.”

7. **The President** thanked Ms ter Huurne for her presence and for her speech, and continued to address the Plenary:

“Your Excellencies, Ladies and Gentlemen,

Twelve years ago – in 2007 – the Hague Conference held its last session, the Twenty-First Diplomatic Session, under the presidency of my predecessor, Professor Antoon (Teun) V.M. Struycken, then Chair of the Netherlands Standing Government Committee. The membership then negotiated and adopted the *2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* and the related Protocol.

Since then we have seen major developments on the global stage, major developments that have had profound impacts on many global issues, including politics, economics and finance, and security.

Since 2007, the Hague Conference, too, has undergone significant developments. And yet this point is well worth making, in particular when we view the significant growth, and expansion of the geographical reach of the Organisation.

A simple comparison may assist to visualise this point. In 2007, the Organisation had 68 Members and a total of 125 States that were connected to it. The Regional Office covering South and Central America was just about two years old and had started to make first inroads boosting the Hague Conference’s visibility in the region. A similar Regional Office in the Asia-Pacific Region had been given some first tentative thoughts, although it was still five years away from being established.

And in 2007, even the biggest meetings of the Hague Conference fitted easily into this room – which incidentally was brand new that year. So when the membership met to negotiate the Hague Conference’s last global private international law treaty, we welcomed to this venue 79 delegations and 277 delegates.

Compared to 2019, the Organisation has 83 Members hailing from all corners of the world. A total of 153 jurisdictions are now connected to the Hague Conference, and represent all major legal systems and traditions. The two Regional Offices are nowadays central to ensuring deep links into two important regions of the globe and, on the back of its success, the South and Central American office even

expanded its reach to also cover the Caribbean. And over the next fortnight, 81 delegations with over 400 delegates will negotiate and hopefully adopt the 40th global private international law treaty of the Hague Conference.

This comparison, these figures speak a clear language. The Hague Conference’s membership and connectedness have both grown by approximately 22 per cent. New Members and new connected States come from regions previously not part of the Hague Conference family. The Regional Offices have played a significant role in that regard. The Hague Conference is on a path towards universality. And it has become more inclusive – the presence of you all in this room today is clear evidence of that.

But these developments suggest something else, something that some may even find perplexing in times of increasing challenges to multilateralism. To my mind, when we look at the Conference’s developments since 2007, there seems to be a global affirmation of the immense value of the multilateral development of private international law rules and legal cooperation mechanisms. And there seems to be a global endorsement of the leading role the Conference has played in this regard – something that resonated in the many contributions Members, judges, academics and senior officials made during the celebrations commemorating the Hague Conference’s 125th Anniversary last year.

While the successes of the Hague Conference are undisputable, while its importance is widely recognised, and while the Organisation has adopted 39 international instruments since 1954, covering important areas of family law, civil procedure, commercial and finance law and international legal cooperation, there is one important success missing so far: the successful negotiation of a treaty that governs the third pillar of private international law – the recognition and enforcement of foreign judgments in civil or commercial matters.

Although already identified as a fundamental issue of private international law by Tobias Asser in the first years of the existence of the Hague Conference, it remains today one of the most difficult and complex issues.

I make this point to encourage you. We have come so far. Since 2011 we had meetings of an Experts’ Group, five meetings of a Working Group and since 2016 four Special Commissions to discuss a draft text for a Convention on the recognition and enforcement of foreign judgments in civil or commercial matters. The Special Commission of May 2018 prepared the text of the draft Convention, laid down in Working Document No 1 for this Diplomatic Session. We are a mere fortnight away from adopting a treaty which could be so essential for many who must vindicate their judicially announced rights in a foreign country. To adopt the Convention is simply invaluable to improving access to justice internationally.

Your Excellencies, Ladies and Gentlemen, in the coming fortnight we not only work on important issues. We will be innovative and find solutions. We will be bold and move challenges out of our way. We will compromise when and where necessary. And we will do that because we have the chance to be part of a once in a lawyer’s generation opportunity. Let us grab this opportunity. Thank you.”

8. The President then turned to the procedural part of the Diplomatic Session, the election of the Vice-Chairs of the Session and of the Chair and the Vice-Chairs of the Commission. He explained that the election of the Vice-Chairs of the Session was governed by Article 5A(1)(b) of the

Rules of Procedure of the HCCH. The Article provided that upon his proposal as the Chair of the Session, one or more Vice-Chairs shall be elected by the Plenary meeting by consensus. The President noted that he was honoured to propose to elect the following delegates as Vice-Chairs of the Session: His Excellency, Ambassador Xu, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China in the Netherlands; Mr Andreas Stein, Head of the Civil Justice Unit, Directorate-General for Justice and Consumers, European Commission in Brussels, Belgium; Mr Mikhail Galperin, Representative of the Russian Federation at the European Court of Human Rights, Deputy Minister of Justice of the Russian Federation, Ministry of Justice, Moscow, Russian Federation; Mr Paul Herrup, Trial Attorney, Office of Foreign Litigation, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, Washington DC, United States of America; Mr Pieter André Stemmet, Legal Counsellor, Embassy of the Republic of South Africa in the Netherlands; and Mr Marcos Dotta, Deputy Director of International Law Affairs, Ministry of Foreign Affairs, Montevideo, Uruguay. The proposals were accepted by acclamation, and the delegates accepted their election. The President expressed gratitude to the Vice-Chairs of the Session that they would serve in this important role, and he equally thanked the Plenary for electing the Vice-Chairs.

9. The President then turned towards the election of the Chair and Vice-Chairs of the Commission on Judgments. He explained that the election of the Commission's Chair is again governed by Article 5A(1)(b) of the Rules of Procedure of the HCCH. Once more it fell to him as the President of the Session to propose the Chair. He clarified that the proposal and the election of the Vice-Chairs was based on usage of the HCCH. Both the Chair and the Vice-Chairs were elected by the Plenary on the basis of consensus. He noted that it was his pleasure to propose Mr David Goddard QC, as Chair of the Commission. Mr Goddard had chaired the Special Commission meetings, and also the meetings of the Working Group since 2013 and was therefore the ideal candidate to chair the Commission. The President also proposed the election of Ms Kathryn Sabo, General Counsel, Constitutional, Administrative and International Law Section, Department of Justice Canada, Ottawa, Canada; Mr Boni de M. Soares, Attorney for Brazil, International Affairs Department, Attorney-General's Office, Professor of Private International Law, Brasilia, Brazil; Ms Elisabeth Pangalangan, Professor of Private International Law, College of Law, University of the Philippines, Quezon City, Director, Institute of Human Rights, Quezon City, Philippines; and Ms Tonje Meinich, Deputy Director General, Legislation Department, Ministry of Justice and Public Security, Oslo, Norway, as Vice-Chairs of the Commission.

10. These suggestions were confirmed by the Plenary by way of acclamation, and the Chair and the Vice-Chairs accepted their election. The President expressed gratitude that the meeting embarked on its mission ahead in such capable hands, and once more thanked the Plenary for discharging this important duty.

11. The President then turned to the next agenda item, and invited the Secretary General to offer some remarks.

12. **The Secretary General** thanked the President and then addressed the Plenary:

"Dear Chair of the Session, dear Vice-Chairs of the Session, dear Madam Director, dear Chair of the Commission, Excellencies and distinguished delegates representing Members of the HCCH, Excellencies and distinguished delegates

representing candidate Members, admitted States and other observers, dear friends and colleagues,

In 1970, Jerry Bostick was a young man. He worked as Flight Dynamics Officer at Mission Control guiding Apollo 13. As you may remember, severe technical challenges threatened that mission. Luckily, at the end all went well: the three astronauts on board Apollo 13 returned safely to earth.

Over 20 years later, Jerry Bostick recalled those days in Mission Control. He was interviewed by the screen writers for the Hollywood blockbuster "Apollo 13". When asked about the spirit during the crucial hours of the mission, he replied: "[...] when bad things happened, we just calmly laid out all the options, and failure was not one of them. We never [...] gave up on finding a solution." The screenwriters condensed this answer into what became one of the most iconic movie one-liners: "Failure is not an option."

Ladies and Gentlemen, it is not at all my intention to equate what we are about to embark upon with the heroic feat of the men and women in Mission Control. Too significant are the differences. But I comfortably draw a comparison between the spirit there at Mission Control and here at the Diplomatic Session: We too shall complete our mission successfully. We too shall reject failure. We too shall find all outstanding solutions. And so, we set our focus on success. On the successful adoption of the 40th global instrument developed by the HCCH in modern times: the 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial matters.

Much has already been said about the importance of this Convention. The goal is to enhance the practical effectiveness of judgments. To provide the successful party with a meaningful relief – not just a nice piece of paper that can be framed, but rather a real, practical and effective outcome: a judgment that can be recognised and enforced abroad more easily.

The Convention will provide one global framework under which judgments that fall under the Convention will circulate from one Contracting State to another. The advantages? Certainty. Predictability. The reduction of costs, timeframes and risks.

We do not need a piece of sheer legal beauty, whose implementation would remain out of reach for most States. We should continue to aim for a pragmatic, workable instrument that will be ratified and acceded to, that will facilitate the circulation of judgments effectively, and that will give people and businesses clarity and certainty so that they can vindicate their judicially pronounced rights across borders simply, efficiently, predictably and cost-effectively.

This HCCH Judgments Convention will be a game-changer for cross-border dispute settlement and an apex stone for global efforts to improve real and effective access to justice. Ladies and Gentlemen, we are here to deliver this game-changer, this apex stone.

Lorsque je sillonne la salle du regard, je perçois beaucoup d'expertise et de compétences, je ressens un engagement, une réelle volonté collective de participer à cette importante conversation sur le droit international privé, si éloquemment décrite par notre Président du Conseil sur les affaires générales et la politique à l'occasion du 125^e anniversaire de la HCCH. Une conversation guidée par la sympathie, le respect mutuel, la curiosité, la disponibilité de tous à changer de perspective et de voir les choses à travers les

yeux de quelqu'un d'autre. Une conversation qui reflète le principe fondamental des travaux de la HCCH : le consensus.

En gardant ces ingrédients à l'esprit, nous réussirons. Sans quoi, le travail de toute une génération de juristes aura été vain et une solution mondiale risque de rester hors de portée pour la prochaine génération de juristes et de responsables politiques. L'achèvement fructueux de nos travaux n'est pas seulement important pour la communauté mondiale des affaires, il l'est tout autant pour notre Organisation. Là encore, l'échec n'est pas une option – personne ne souhaite voir la HCCH échouer dans l'exécution de son mandat principal, avec toutes les conséquences potentiellement significatives et néfastes que cela pourrait entraîner. Nous devons montrer que la HCCH, tout en poursuivant l'universalité et l'intégration en tant qu'éléments de sa stratégie opérationnelle, demeure parfaitement capable de produire des Conventions efficaces.

Mesdames et Messieurs, chacune et chacun d'entre vous constitue un maillon d'une réflexion d'équipe décisive. Aussi, je vous remercie de votre engagement indéfectible envers notre cause commune ; des efforts considérables que vous consacrez à ce projet d'envergure ; de chaque contribution que vous apportez, de chaque option que vous développez, car cela nous rapproche de la réussite. Je suis convaincu que grâce à tous vos efforts et à votre engagement, le fameux lave-vaisselle auquel quelqu'un d'autre avait fait référence lors du 125^e anniversaire produira un résultat parfaitement concluant et éclatant sous la forme d'une Convention efficace qui va – oui – décoller !

Alors que nous lançons notre compte à rebours final, permettez-moi de vous souhaiter à toutes et à tous bonne chance dans la conduite de vos actions à venir, ô combien décisives.

But before we move on, Mr President, with your indulgence, may I take this opportunity to express my gratitude and thanks, starting by echoing the warm welcome you extended to all delegations who join us here in The Hague on this momentous occasion.

May I extend a particular welcome to all those Members, Member States and observer States that attend their first Diplomatic Session of the HCCH. They are the European Union as European Union (as opposed to the European Community of the past), Kazakhstan, Saudi Arabia, Singapore, Tunisia, and Zambia as Members, as well as Uzbekistan and Zimbabwe as a candidate Member State and non-Member State respectively. There are also approximately ten other observers that attend their first Diplomatic Session of the HCCH. A warm welcome to them as well.

Let me further express my deep gratitude to the Government of the Kingdom of the Netherlands for making this Diplomatic Session a reality. Moreover, I wish to thank again the many who have contributed, and are contributing, in so many ways to the effective preparation of this Session: There are our Chairs and Vice-Chairs of the Session, the Chair and the Vice-Chairs of the Commission, whom I congratulate on their appointments and whom I already thank for all their efforts and dedication in the coming days.

There are all those of you who continued to engage in our conversation since the last Special Commission meeting to further progress work on the draft Convention. This preparatory work is invaluable, and I thank you all wholeheartedly for the diligent work that brought us here today. There are the *co-Rapporteurs*, who have done such a sterling job on the difficult task of progressing the work on the Explan-

atory Report. There is of course the entire staff of the Permanent Bureau, who has worked hard to prepare this Session so effectively, with special thanks to João Ribeiro-Bidaoui and Ning Zhao.

And there is last – but most certainly not least – David Goddard QC, the Chair of the Special Commission and now Chair of the Judgments Commission of this Session. David, having already put our trust into you, you took us to this day. And let me labour for the last time today – maybe not – some metaphors: thanks to your skilful chairmanship, we have climbed the highest mountains; we navigated through sometimes stormy seas; and as of this morning, you might even take us to space! David, I am confident – we are confident – that your continued guidance will take us to our ultimate destination: the HCCH 2019 Judgments Convention. Thank you.”

13. **The President** thanked the Secretary General for strongly and rightfully reminding the delegates of the importance of the task ahead. He then noted that it was a tradition that the opening of a Diplomatic Session provided States with the opportunity to offer some official remarks. In the lead-up to this event, the President had received indications that some delegations wished to take the floor and deliver such remarks. He called upon, in alphabetical order: Brazil, China, the European Union, Korea, Romania, the United States of America, and Uruguay.

14. **A delegate from Brazil** addressed the President of the Netherlands Standing Government Committee on Private International Law and President of the Session, the distinguished Vice-Chairs of the Session, the Secretary General of the HCCH, Mr David Goddard, Chair of the Commission on Judgments, the distinguished Vice Chairs of the Commission, the distinguished heads of delegations, the distinguished delegates, and the Plenary in general. She noted that at the outset, she wished to express her sincere appreciation to the Secretary General and the staff of the Permanent Bureau for their excellent work in organising this Diplomatic Session, and for providing the participants with the Preliminary Documents that would guide the discussions during the next 14 days. She also expressed Brazil's appreciation for the generous support by the Government of the Netherlands for financing this Session. It was with great honour that she addressed the meeting as Head of the delegation of Brazil to the Twenty-Second Diplomatic Session of the HCCH, one gathered here on this day 12 years after the last Diplomatic Session held by this Organisation. It was therefore a historic moment for the HCCH. Article 1 of the Statute of the HCCH stated that the purpose of the Organisation was to work for the progressive unification of the rules of private international law. The legislative work was of the utmost importance to carry out this mission. The adoption of a Convention marked the accumulation of the Organisation's legislative work. It was therefore an achievement to celebrate. The delegation of Brazil thanked the United States for having put forward the originating proposal in 1992 and congratulated all Members of the HCCH for their decision taken in 2011 to resume the Judgments Project. She addressed the Chair, and noted that since 2001, when Brazil renewed its commitment to the HCCH, it has consistently increased its involvement with the work of the Organisation at its various levels. Back in 2001, Brazil was Party to only two HCCH Conventions. In contrast, Brazil was now Party to eight instruments. Brazil actively participated at the diplomatic level in all activities conducted by the HCCH on governance matters.

15. At the legislative level, Brazil consistently contributed by putting forward new ideas for consideration by Member

States, as well as by participating in negotiations of new projects or tools to improve the implementation of existing Conventions. She was pleased to note that Brazil was not alone in fostering its participation in the HCCH. Many other new Members were engaging in the work, as the membership itself expanded from 47 Members at the beginning of 2000 to now 83 Members. The increasing engagement of Brazil in the work of the HCCH stemmed, among other reasons, from Brazil's perception of the HCCH as an organisation that dealt with issues which are relevant to the everyday lives of Brazilian citizens. Furthermore, it was highly responsive to a constantly evolving reality, with ever-changing challenges in the areas of family relations and commercial cross-border relations. The HCCH aroused interest in different stakeholders in Brazil, from executive and judicial authorities to academia and civil society. This multifaceted interest was reflected in the composition of the delegation of Brazil to this Diplomatic Session, composed of members of the Ministries of Justice and External Relations, of the Office of the Prosecutor General, of the Attorney General's Office and a number of Brazilian universities. Brazil has been committed to the Judgments Project since its relaunch, and Brazil has actively participated in the Special Commission meetings, having assumed one of its three Vice-Chairmanships, and having been integrated in all informal working groups established to discuss outstanding issues. Brazil also put forward six proposals for the consideration of this Session, which could contribute to improve certain aspects of the draft Convention. Brazil was fully convinced of the importance of the Judgments Project, as it was in line with the HCCH's long-standing mission to harmonise rules of international judicial cooperation, which contributed to improve global governance and the strengthening of the rule of law. The benefits of the future Convention were formidable. For example, it would enhance access to justice, facilitate cross-border trade and investment, avoid unnecessary duplication of proceedings, reduce court costs, and promote greater judicial predictability. It would furthermore meet the needs of the growing volumes of disputes arising from the increase in the international flow of services, goods and persons. Brazil was confident that the meeting could reach consensus on the draft text before them, which resulted from the untiring work of the Special Commission under the able guidance of Mr David Goddard. At the current stage of the negotiations, Members should be encouraged to find a compromise for the sake of the success and future of the desired instrument. The facilitated regime of circulation of judgments at a global level depended on a balanced approach, linked to both the preservation of differences and full commitment to the pivotal principle of universality. A strong diplomatic effort was needed to take into account perspectives of different legal systems. She assured the Chair of the full cooperation of the delegation of Brazil during the upcoming days, and wished everyone very fruitful discussions.

16. **The President** thanked the delegate from Brazil.

17. **A delegate from the People's Republic of China** addressed the Chair, the distinguished guests, and the distinguished delegates. On behalf of the delegation of China, he congratulated on the opening of the Diplomatic Session. It was his great honour to be elected as the Vice-Chair of the Diplomatic Session. He believed that under the guidance of the wisdom, the expertise, and experience of the Chair, this Diplomatic Session would come to a good success. He took the opportunity to extend his heartfelt gratitude to the Secretary General, Mr Christophe Bernasconi, and the colleagues of the Permanent Bureau for the wonderful preparation and arrangement, which made this Diplomatic Session possible. China attached great importance

to the Judgments Project and has constructively participated in the negotiations. China was very glad to see that significant progress has been made over the past few years of negotiations. Meanwhile, there were still differences over certain issues, which needed to be addressed in the Diplomatic Session. He expressed the hope that all the delegates could work on the basis of consensus to the furthest extent possible and show the greatest flexibility to bridge the gaps. China was willing to make a joint effort with all the delegations with a view to the adoption of a Convention that was widely accepted and applied. Last but not least, the delegation of China announced a reception at the Chinese Embassy in the Netherlands this Friday evening, and was looking forward to receiving representatives and delegates at that reception. He concluded by thanking the Chair.

18. **The President** thanked the delegate from the People's Republic of China for his kind and encouraging words.

19. **A delegate from the European Union** addressed the Chair, the Vice-Chairs, the Secretary General, the Excellencies and the distinguished delegations and colleagues. He noted that as the Secretary General had pointed out in his speech, he spoke as a representative of an institutional newcomer to a Diplomatic Conference, but also on behalf of the Member States of the European Union that have been around for a while in this Organisation. He noted that he would like to keep his remarks very brief, because his delegation was eager to get down to business and to actually discuss the Convention and its provisions. But he would like to share with the room that his delegation had come here with a very strong sense of determination, and also a strong sense of responsibility. Leaving aside the philosophical question whether there was an option for failure, there certainly was no right to fail for a number of reasons. One of those reasons was the history of this Project. He opined that the Commission was standing literally on the shoulders of many others who had started this Project. Some of those were still here, but others were not. They had invested an immense amount of expertise and work. One had come close before, but one had not been successful. This time, one should have to be successful. He recalled that one member of the delegation of the European Union could unfortunately not be here to witness the adoption of the Convention, namely their French colleague Nicolas Castell, who passed away in 2018. Mr Castell was quite an eminent voice, also in the development of this Project. Aside from the history of the Project, one also had a strong sense of determination and a sense of responsibility because of the importance of the topic. And in that context, he would briefly like to take a step back and look at the importance that this Project has had in the European Union. He recalled that the founding fathers and mothers of the European Union included a provision in the European Union Treaties that provided a legal basis for an international agreement among Member States on the recognition and enforcement of civil and commercial matters, as this area was otherwise outside of the Union's competence at that time. They did that because they realised that if one wanted to create an internal market, as the European Union wanted to, the internal market was going to be incomplete, and somewhat dysfunctional, without a legally firm and certain and established system for the circulation of judicial decisions within that market. The world was not an internal market, and many things have happened since the Brussels Convention was concluded in 1968, the 50th anniversary of which had been celebrated last year. But certainly, trade has intensified immensely at the global level. And despite the different institutional context of the Judgments Convention, the general lesson was still the same: to foster international trade, clear rules on access to justice and on the recognition

and enforcement of judicial decisions are a very important component. To the European Union the Judgments Project was a pivotal, important project. If everyone in the room had a shared sense of determination and responsibility, and he was very confident that this spirit existed in the room, and if everyone engaged in a process of what could be called transactional fairness in the give-and-take process that constitutes an international negotiation, then his delegation was firmly convinced that one was almost there. It would take a little effort, maybe a big effort, but an effort that one was going to be able to make in order to push this Project across the finishing line. He encouraged everyone that in this situation where everything is perfectly prepared – the Permanent Bureau had done excellent work, as well as the experts – one should be able to make this, and one would be able to make this.

20. **The President** thanked the delegate from the European Union.

21. **A delegate from the Republic of Korea** addressed the Chair, the Vice-Chairs, the Secretary General, the Excellencies and the distinguished delegates. He noted that he would like to begin by expressing his sincere appreciation to the Chair, the Secretary General and other members of the Permanent Bureau, who have worked very hard to recognise and organise this Twenty-Second Diplomatic Session of the HCCH. He was confident that this Session would be a success, thanks to the excellent leadership and dedication of the Chair to our shared goals. Twenty-seven years ago, the HCCH set out to explore the possibility of creating a uniform legal framework on the international jurisdiction of courts, and the recognition and enforcement of their judgments abroad. This initiative has gained momentum in today's increasingly connected world where countries' international transactions and global growing human exchanges take place every day. It was crucial to create this harmonised legal regime as a way to enhance universal access to justice. This Judgments Project led to the conclusion of the 2005 HCCH Choice of Court Convention. Fourteen years ago, this Diplomatic Session missed the opportunity to adopt a new Convention of a much broader and more ambitious scope, the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. One had come a long way together. With this Convention now, at the final stages of discussion, one would be just a few steps away from completing this Project. This Convention, if adopted, would be an important milestone in the efforts to promote a progressive unification of the rules of private international law. Such a unified legal regime would enhance legal certainty for cross-border interactions and reduce the costs and the risks, and thereby, confidence in the global economic system will be enhanced, and trade and investment will be invigorated. The Convention was designed to respect the diverse legal traditions, giving its Parties room to decide on how and to what extent they would implement the Convention. The Republic of Korea has been a strong supporter of the Project from the earliest stages. The Republic of Korea has been an active participant in the Special Commission meetings, and the Working Group sessions, and the Experts' Groups, by offering Korean perspectives, and by sharing their experience in the legislative process. As Korean courts are faced with an increasing number of cases relating to the recognition and enforcement of foreign judgments, the Convention which is built upon the consensus of Member States will provide valuable guidance. Now the meeting had an important task in front of it, namely creating a new Convention that would be a landmark in the history of the HCCH. Over the next two weeks, one would have to work out ways to find common ground on some of the thorny issues. But

since one had come this far already, he was sure that one would find a way to resolve the remaining differences, and to reach a consensus towards the conclusion of the Convention. He concluded by expressing his sincere appreciation for all the preparations of the Chair, and assured the Chair of the deep commitment and the full support of the Republic of Korea to work for the successful completion of this mission of the HCCH.

22. **The President** thanked the delegate from the Republic of Korea for his kind remarks. He then gave the floor to the delegation of Romania.

23. **A delegate from Romania** addressed the Chair, the Vice-Chairs, the Secretary General, the distinguished delegations and other participants. She noted that almost 12 years after the last Diplomatic Session dedicated to the adoption of instruments in the field of family law and maintenance obligations, one met in this format for the finalisation of the negotiations on the Judgments Convention. The delegation of Romania completely supported the remarks of the representative of the European Commission. In their capacity that they would continue to hold until the end of this month, namely the Presidency of the Council of the European Union, she would like to address the distinguished Conference to assure them of their entire support to finalise this great, important effort, and to bring the works of this Diplomatic Session, also with support by Romania, to a successful close. The project of this Convention was a very important one also to Romania, because it would be the first global instrument allowing for the circulation of judgments by regulating a simplified *exequatur* procedure, based on the principle of mutual trust. She noted that she would like to address this basic principle, which should also guide the work of this meeting over the next weeks, a bit further. The principle of mutual trust has been the basis for the development of the European Area of Justice and Fundamental Rights at the level of the Member States of the European Union since the 1968 *Brussels Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters*. The trust in the courts and legal systems subsequently materialised in the European Union area by simplifying the *exequatur* procedure in 2002 by means of the Brussels I Regulation, and from 2015 onwards, by the suppression of the *exequatur* proceedings by the Brussels I Recast. Romania has become a Member of the Lugano Convention that at an international level simplified the *exequatur* proceedings of the new Convention adopted in 2007, and in 2015, of the HCCH Choice of Court Convention, by their approval by the European Union Council in the name of European Union Member States. She believed, on behalf of her delegation, that this feeling of trust in their legal systems, in themselves as professionals acting on behalf of their States, but also this feeling of trust in the virtue and benefits of international cooperation should guide everyone in these negotiations, so that the results would be in line with expectations not only of the citizens, but also, as was rightly said, of businesses, and of trade. The delegate wished success to this Session and to all delegations. And last but not least, she noted that it would be a pleasure for her country to host a reception on behalf of the Presidency of the European Union Council in the adjacent room on Tuesday 25 June, and it was her pleasure to invite each and every delegate and participant in this Session.

24. **The President** thanked the delegate from Romania and remarked that the reception was well noted.

25. **A delegate from the United States of America** expressed the appreciation of the United States to the Nether-

lands for convening this Diplomatic Session. Since the 1800s, federal and state courts in the United States have recognised and enforced foreign judgments, both in furtherance of the principle of international comity and as a result of domestic law. Long ago, one had realised that this was an appropriate course of action. In light of increasing transnational business relations and the recognition that transnational friendship and commerce would be advanced by the flow of judgments between countries, the United States proposed that the HCCH undertake work on this topic beginning in the early 1990s. Now, the meeting was poised to take a step toward realising its shared goals. Over the next two weeks, the meeting had an opportunity to find common ground on a series of final issues and achieve its shared objective of securing consensus in this body on a Convention on the recognition and enforcement of foreign judgments in civil or commercial matters. This would be a significant accomplishment that one hoped will promote global commerce and friendship and facilitate cross-border movement of persons and goods.

26. A lot of work has taken place here. The United States of America would like to thank the staff of the Permanent Bureau, past and current, outside experts, and the delegations present at this Diplomatic Session. While a lot of work remained to be done, his delegation believed that a consensus-worthy instrument was within reach. The delegation of the United States looked forward to working with the other delegations to reach consensus. With that said, it was essential to remain realistic in the coming weeks about the need to finalise an instrument that would promote harmony among jurisdictions. While the instrument might not be the most ambitious with respect to the matters covered or the manner in which it applied to those matters, one must not lose sight of the contribution that such a Convention will provide. One should resist letting the perfect be an enemy of the good. In this regard, the delegation of the United States believed that the following goals were critical: one, to draft an instrument that would be understandable to those for whom one was negotiating – litigants, attorneys and judges – and, two, to ensure that any new Convention that emerges from this process would be implementable – and would be implemented – by a maximum number of States taking into account the domestic legal process that each State would need to follow in ratifying or otherwise bringing the new Convention into force as a matter of their domestic law. If one fell short on either of these goals, one would have negotiated a Convention of, at best, limited benefit.

27. Regarding the scope of the Convention, the United States would like to limit the need for a State to declare that it would not apply the Convention to particular subject matters as well as the likelihood that courts would rely on public policy to refuse to recognise or enforce a foreign judgment. For this reason, the United States believed that it was essential to obtain consensus on the inclusion of particular matters within the scope of the Convention. To do otherwise would invite complication in implementation, which would not assist the beneficiaries of this Convention.

28. Similarly, one sought Convention provisions that were understandable in, and worked within, a maximum number of legal systems. While the delegation of the United States focused on how a provision would operate within the U.S. system, the delegation would strive to listen to other delegations concerning the manner in which that provision would operate within their systems. Ultimately one sought solutions that would work for all. The delegation of the United States was confident that all delegations will apply a similar approach.

29. The delegation of the United States emphasised the consideration of ratifiability throughout the negotiations. Any text that could not be applied because it could not be brought into force did not help anyone. One had learned long ago that it was difficult to become a Party to a contentious Convention. For this reason, one focused on substance and drafting of the entirety of the text. The delegation of the United States noted that they could promise that they would raise issues such as a mechanism on the establishment of treaty relations to increase the chances for the United States to become a Party to the Convention currently being negotiated.

30. The delegation of the United States looked forward to working with all delegations throughout this process as consensus was sought on the variety of issues under negotiation. He concluded by thanking everyone for the work that has been done and will still be done in the negotiation of this very important Convention.

31. **The President** thanked the delegate from the United States of America.

32. **A delegate from Uruguay** addressed the Chair, the Vice-Chairs, the Secretary General, the distinguished delegations and other participants. She noted that the delegation of Uruguay was honoured to participate in the Twenty-Second Diplomatic Session of the HCCH and congratulated on the work that had been done so far by the Special Commission. She also expressed thanks to the honorary distinction made by the Plenary, by appointing Mr Marcos Dotta as Vice-Chair of this Diplomatic Session. Uruguay was deeply committed to international law, and across the last 126 years, the HCCH has been the most important forum for the study, development and codification of private international law, dealing successfully with its complexity and providing people from all countries with concrete, innovative and fair solutions for problems that were each day more common, as the world continued to increase its interconnection.

33. The recognition and enforcement of foreign judgments in civil or commercial matters was a key step forward in the development not only of private international law, but also in terms of respect for human rights and sovereignty of foreign countries. Private international law was a law of tolerance, respect and flexibility, and in the perspective of the delegation of Uruguay, these three values should guide the discussions during the following days. She expressed the hope that when one met again on 2 July, one would have the best Convention one could be able to reach for the countries and people of the participating Members. She concluded by noting that the Chair could count on the efforts, work and commitment of the delegation of Uruguay to that end.

34. **The President** thanked the delegate from Uruguay. He then sought clarification from the floor that no other delegations would like to take the floor. The President of the Session then thanked the distinguished Heads of delegation for their opening statements and expressed gratitude for their clear and concise remarks. He then noted that the end of the Opening Session of the Twenty-Second Diplomatic Session had been reached. After the upcoming coffee break, the meeting would resume as Commission, then under the chairmanship of Mr Goddard.

35. The President reminded the meeting that coffee breaks had a longstanding tradition at Diplomatic Sessions, and that they had been of the utmost importance: not only for delegates to meet and mingle, but on many occasions, diffi-

cult issues were resolved over a good cup of coffee (or tea) during these breaks. One had not yet reached any difficult issues. Therefore, he invited the participants to use the coffee break to meet and mingle, but also to congratulate the Chair of the Commission on Judgments, and the Vice-Chairs on their respective elections. Finally, he invited the participants to gather for the group photo in order to preserve this once-in-a-generation opportunity. He proposed to resume at 11.00 a.m. sharp.

36. The meeting was closed at 10.28 a.m.

Règlement intérieur des Sessions plénières

Annexe au Procès-verbal de la Séance d'ouverture

Règlement intérieur de la Conférence de La Haye de droit international privé (HCCH)¹

I CHAMP D'APPLICATION

Le présent Règlement intérieur s'applique à toutes les réunions de la HCCH, notamment :

- les Sessions diplomatiques, y compris leurs Commissions ;
- les réunions du Conseil sur les affaires générales et la politique (CAGP) ;
- les réunions du Conseil des Représentants diplomatiques (CRD), y compris les réunions de son Comité permanent ;
- les réunions des Commissions spéciales, y compris les réunions au cours desquelles sont négociés les instruments normatifs et est examiné le fonctionnement pratique des instruments existants ;
- les réunions des groupes d'experts et des groupes de travail.

II DISPOSITIONS GÉNÉRALES

A Convocation des réunions

Le Secrétaire général annonce la convocation d'une réunion dans un délai précédant suffisamment la date de ladite réunion.

B Liste des participants

Le Bureau Permanent (BP) notifie aux Membres la liste des participants proposée, y compris les observateurs, dans un délai précédant suffisamment la date de la réunion.

C Ordre du jour

1 Le BP prépare le projet d'ordre du jour de la réunion en consultation avec le Président ou le Président envisagé.

Le projet d'ordre du jour identifie toute partie de la réunion qui n'est ouverte qu'aux Membres (réunion à huis clos).

2 Le BP diffuse l'ordre du jour dans un délai précédant suffisamment la date de la réunion.

3 Après l'ouverture de la réunion et, le cas échéant, après l'élection du Président et d'autres représentants, le projet d'ordre du jour est soumis pour adoption. Les Membres peuvent proposer des modifications au projet d'ordre du jour.

D Documents de la réunion

Tous les documents relatifs à la réunion sont préparés et diffusés dans un délai précédant suffisamment la date de la réunion. Le BP tient dûment compte de la nature publique ou non publique de chaque document.

E Présidents et vice-Présidents

1 Les Présidents et les vice-Présidents sont élus conformément aux dispositions particulières du présent Règlement.

2 Lors de l'élection des Présidents et des vice-Présidents, les Membres s'efforcent d'assurer l'équilibre géographique et la parité hommes/femmes.

3 Les vice-Présidents peuvent assister les Présidents dans le déroulement et la préparation des réunions.

F Déroulement des réunions

1 Il incombe au Président de mener la réunion de manière transparente, efficace et efficiente. Dans l'exercice de ses fonctions, le Président est placé sous l'autorité de l'assemblée.

2 Motions d'ordre

- a Une délégation peut présenter une motion d'ordre à tout moment.
- b Lorsqu'elle présente une motion d'ordre, une délégation ne peut pas s'exprimer sur le fond de la question.
- c Le Président statue immédiatement sur cette motion.
- d Toute délégation peut appeler d'une décision du Président. L'appel est immédiatement mis aux voix. La décision du Président est maintenue, à moins que l'assemblée décide de confirmer l'appel.

3 Ajournement du débat

- a Une délégation peut demander l'ajournement du débat sur la question en discussion.
- b Outre l'auteur de la motion, une autre délégation peut se prononcer en faveur de l'ajournement, et deux délégations peuvent se prononcer contre celui-ci, après quoi l'assemblée se prononce immédiatement sur la motion.

¹ Le présent Règlement a été élaboré par le Groupe de travail sur le Règlement intérieur avant d'être approuvé par les Membres lors du CAGP de 2020. Le Règlement est entré en vigueur le 6 mars 2020.

Rules of Procedure for Plenary Meetings

Annex to the Minutes of the Opening Session

Rules of Procedure of the Hague Conference on Private International Law (HCCH)¹

I SCOPE

These Rules of Procedure apply to all meetings of the HCCH, including:

- Diplomatic Sessions (DS), including their Commissions;
- the meetings of the Council on General Affairs and Policy (CGAP);
- the meetings of the Council of Diplomatic Representatives (CDR), including the meetings of its Standing Committee;
- the meetings of Special Commissions (SC), including meetings that negotiate normative instruments and consider the practical operation of existing instruments; and
- the meetings of Experts' Groups (EG) and Working Groups (WG).

II GENERAL PROVISIONS

A Convening meetings

The Secretary General shall announce the convening of a meeting sufficiently in advance of the meeting.

B List of Participants

The Permanent Bureau (PB) shall notify Members of the proposed list of participants, including Observers, sufficiently in advance of the meeting.

C Agenda

1 The PB shall prepare the draft agenda in consultation with the Chair, or envisaged Chair, of the meeting. The

draft agenda shall identify any part of the meeting that is open only to Members (closed meeting).

2 The PB shall circulate the agenda sufficiently in advance of the meeting.

3 After the opening of the meeting, and, where relevant, after the election of the Chair and other officials, the draft agenda shall be submitted for adoption. Members can propose amendments to the draft agenda.

D Meeting documents

Any documents relating to the meeting shall be prepared and circulated sufficiently in advance of the meeting. The PB shall give due regard to the public or non-public nature of each document.

E Chairs and Vice-Chairs

1 Chairs and Vice-Chairs are elected pursuant to the Special Provisions in these Rules.

2 When electing Chairs and Vice-Chairs, Members shall seek to ensure geographical and gender balance.

3 The Vice-Chairs may assist the Chairs in conducting and preparing the meetings.

F Conducting meetings

1 It is the responsibility of the Chair to conduct the meeting in a transparent, effective and efficient manner. In exercising the functions, the Chair shall remain under the authority of the meeting.

2 Points of order

a A delegation may raise a point of order at any time.

b When raising a point of order, a delegation may not speak to the substance of the item.

c The Chair shall give a ruling on the point of order without delay.

d Any delegation may appeal against a ruling of the Chair. The meeting shall decide on the appeal immediately. The ruling of the Chair shall stand unless the meeting decides to uphold the appeal.

3 Adjournment of debate

a A delegation may move the adjournment of the debate on the item.

b In addition to the proposing delegation, one further delegation may speak in favour of, and two delegations against, the motion, after which the meeting shall immediately decide upon the motion.

¹ These Rules were developed by the Working Group on the Rules of Procedure and subsequently approved by the Members during the 2020 CGAP. The Rules entered into force on 6 March 2020.

- c Si l'assemblée se prononce en faveur de la motion, le Président ajourne le débat sur la question en discussion.
 - d Le Président peut à tout moment ajourner le débat sur n'importe quelle question en discussion s'il estime qu'une reprise ultérieure du débat peut aider à atteindre un consensus.
- 4 Clôture du débat
- a Une délégation peut demander la clôture du débat sur la question en discussion, même si d'autres délégations ont manifesté le désir de prendre la parole.
 - b Outre l'auteur de la motion, une autre délégation peut se prononcer en faveur de la proposition, et deux délégations peuvent se prononcer contre celle-ci, après quoi l'assemblée se prononce immédiatement sur la motion.
 - c Si l'assemblée se prononce en faveur de la motion, le Président prononce la clôture de la discussion.
 - d Le Président peut à tout moment clore la discussion sur n'importe quelle question s'il estime que celle-ci a été suffisamment débattue.
- 5 Ordre des motions de procédure
- Sous réserve des dispositions relatives aux motions d'ordre (art. II.F.2), les motions suivantes ont priorité, dans l'ordre indiqué ci-après, sur toutes les autres motions ou propositions présentées à la réunion :
- a ajournement du débat sur une question ;
 - b clôture du débat sur une question.
- 6 Propositions
- a Il est recommandé de communiquer à l'avance au BP les propositions écrites pour les Sessions diplomatiques et pour les réunions du CAGP, du CRD et des Commissions spéciales. Le BP communique ces propositions écrites aux délégations telles qu'il les a reçues.
 - b Dans la mesure du possible, il est recommandé de communiquer les propositions écrites dans les deux langues officielles de la HCCH.
 - c Les propositions peuvent également être soumises oralement pendant la réunion.
 - d Toute délégation peut s'opposer à ce qu'une proposition fasse l'objet d'une discussion ou d'une décision si le texte de la proposition n'a pas été communiqué aux délégations.
- 7 Prise de décision concernant les propositions
- a Lorsqu'une proposition est présentée, l'assemblée se prononce sur cette proposition.
 - b Si deux ou plusieurs propositions portent sur la même question, l'assemblée, sauf décision contraire, se prononce sur les propositions dans l'ordre où elles ont été présentées.

- 8 Remise en discussion des propositions
- a Une délégation peut présenter une motion tendant à un nouvel examen d'une proposition adoptée ou rejetée.
 - b Outre l'auteur de la motion, une autre délégation peut se prononcer en faveur de la motion, et deux délégations peuvent se prononcer contre celle-ci, après quoi l'assemblée se prononce immédiatement sur la motion.
 - c Si l'assemblée se prononce en faveur de la motion tendant à un nouvel examen, le Président ouvre immédiatement le nouvel examen de la proposition adoptée ou rejetée.

G *Participation aux réunions*

- 1 Personne ne peut prendre la parole sans avoir au préalable obtenu l'autorisation du Président.
- 2 Le Président peut rappeler à un orateur que ses remarques doivent être pertinentes au regard du sujet en discussion.

Limitation du temps de parole pour les délégations

- 3 Le Président peut décider de limiter le temps de parole alloué à chaque délégation et le nombre d'interventions par délégation sur une même question.
- 4 Lorsque les débats sont limités et qu'une délégation dépasse le temps qui lui a été alloué, le Président rappelle immédiatement celle-ci à l'ordre.
- 5 Si le besoin s'en fait sentir, le Président peut accorder à chaque délégation le droit d'intervenir une seule fois sur une question.

Clôture de la liste des orateurs

- 6 Le Président peut déclarer la liste des orateurs close.
- 7 Le Président peut cependant accorder un droit de réponse à toute délégation lorsqu'une intervention prononcée après la clôture de la liste des orateurs rend cette décision souhaitable.

H *Prise de décisions lors des réunions*

- 1 Seules les Sessions diplomatiques et les réunions du CAGP et du CRD adoptent des décisions.

Quorum

- 2 Le quorum est constitué par la majorité des Membres.

Le principe du consensus

- 3 Dans toute la mesure du possible, les décisions sont adoptées par consensus.

Vote lors des réunions

- 4 Exceptionnellement, à défaut de consensus, les décisions sont mises aux voix. Si une décision doit être mise aux voix, alors elle est prise à la majorité des voix émises par les délégations.

- c If the meeting decides in favour of the motion, the Chair shall adjourn the debate on the item.
 - d The Chair may adjourn the debate on any item at any time, if the Chair determines that a later resumption of the debate may aid reaching consensus.
- 4 Closure of debate
- a A delegation may move the closure of the debate on the item, even if other delegations have expressed their wish to speak.
 - b In addition to the proposing delegation, one further delegation may speak in favour of, and two delegations against, the motion, after which the meeting shall immediately decide upon the motion.
 - c If the meeting decides in favour of the motion, the Chair shall declare the debate closed.
 - d The Chair may close the debate on any item at any time, if the Chair determines that the item has been debated sufficiently.
- 5 Order of procedural motions
- Subject to the provisions concerning points of order (Rule II.F.2), the following motions shall have priority over any other motion or proposal submitted to the meeting in the following order:
- a adjournment of a debate on an item; and
 - b closure of a debate on an item.
- 6 Proposals
- a Written proposals for DS, and for meetings of CGAP, CDR and SC, are encouraged to be provided to the PB in advance. The PB shall circulate these written proposals, as received, to delegations.
 - b To the extent possible, written proposals are encouraged to be provided in both official languages of the HCCH.
 - c Proposals may also be submitted orally during the meeting.
 - d Any delegation may object to a proposal being discussed, or be decided upon, if the text of the proposal has not been circulated to the delegations.
- 7 Taking a decision in relation to proposals
- a When a proposal is moved, the meeting shall decide on the proposal.
 - b If two or more proposals relate to the same question, the meeting shall, unless it decides otherwise, take a decision on the proposals in the order in which they have been submitted.

- 8 Reconsideration of proposals
- a A delegation may move to reconsider an adopted or rejected proposal.
 - b In addition to the moving delegation, one further delegation may speak in favour of, and two delegations against, the motion, after which the meeting shall immediately decide upon the motion to reconsider.
 - c If the meeting decides in favour of the motion to reconsider, the Chair shall open immediately the reconsideration of the adopted or rejected proposal.

G *Participating in meetings*

- 1 No one may take the floor without having previously obtained the permission of the Chair.
- 2 The Chair may remind a speaker that the remarks must be, and remain, relevant to the subject under discussion.

Time limit on delegations

- 3 The Chair may decide to limit the time to be allowed to each delegation and the number of times each delegation may speak on any one item.
- 4 When debate is limited and a delegation has exceeded the allotted time, the Chair shall call the delegation to order without delay.
- 5 If necessary, the Chair may grant each delegation the right to speak on an item only once.

Closing the List of Speakers

- 6 The Chair may declare the List of Speakers closed.
- 7 The Chair may nevertheless accord a right of reply to any delegation if an observation made after the closure of the List of Speakers makes such a course of action desirable.

H *Taking decisions at meetings*

- 1 Only DS and meetings of CGAP and CDR take decisions.

Quorum

- 2 The majority of Members constitutes quorum.

Consensus principle

- 3 To the furthest extent possible, all decisions shall be taken by consensus.

Voting at meetings

- 4 If exceptionally it is not possible to reach consensus, decisions shall be taken by a vote. If a decision must be taken by a vote, then that decision shall be made by a majority of the votes cast by delegations.

5 Les abstentions ne sont pas considérées comme des voix émises.

6 Chaque délégation dispose d'une voix. Une délégation ne peut pas en représenter une autre, ni voter pour celle-ci.

7 L'assemblée vote à main levée ou, si le Président l'ordonne ou si une délégation en fait la requête, par appel nominal.

- a L'appel sera fait dans l'ordre alphabétique des noms français des États ou Organisations membres participant à la réunion, en commençant par la délégation désignée par le Président.
- b Chaque délégation est appelée et répond par « pour » ou « contre » ou « abstention », ou fait connaître son choix lorsque des propositions sont opposées l'une à l'autre.

8 Certaines questions peuvent être réglées par des méthodes autres que celles mentionnées à l'article II.H.7, à l'instar d'un vote à bulletin secret.

9 Lorsque le Président annonce l'ouverture du vote, aucune délégation ne peut interrompre le scrutin, sauf s'il s'agit d'une motion d'ordre ayant trait à la manière dont celui-ci s'effectue.

10 Le Président peut permettre aux délégations d'expliquer leur vote, soit avant, soit après le scrutin.

I *Prise de décisions entre les réunions (processus de décision à distance)*

1 Dans des circonstances urgentes et exceptionnelles :

- a le Secrétaire général, conjointement au Président du CAGP, et après consultation des Membres ; ou
- b la moitié des Membres,

peut proposer qu'une question soit réglée en ayant recours à un processus de décision à distance.

2 Cette proposition est communiquée à tous les Membres par le BP. Elle comprend une explication de la question, y compris la décision proposée, le caractère urgent et exceptionnel ainsi que les éventuelles implications de la décision en matière de ressources humaines et financières.

3 Après une courte période de consultations ouvertes, le Secrétaire général lance le processus de décision à distance, en indiquant si :

- a la décision proposée peut être prise en recourant à la procédure d'approbation tacite prévue à l'article II.I.4 ; ou
- b de par sa nature, la question ne peut être réglée par une procédure d'approbation tacite et la procédure de vote à distance prévue à l'article II.I.6 doit être introduite

4 Si la décision proposée peut être prise en recourant à la procédure d'approbation tacite, alors en l'absence de toute objection à l'égard de la décision proposée dans les 15 jours suivant l'ouverture de la procédure d'approbation tacite, la question proposée aura ainsi été réglée.

5 Si la procédure d'approbation tacite est engagée et qu'une objection est soulevée à l'égard de la décision proposée, le Secrétaire général engagera un nouveau cycle de consultations ouvertes à tous les Membres afin d'établir s'il existe une réelle éventualité de parvenir à un consensus. Si de cette nouvelle consultation des Membres il résulte :

- a de réelles chances de parvenir à un consensus, le Secrétaire général engage une nouvelle procédure d'approbation tacite conformément à l'article II.I.4 ;
- b une absence de réel espoir de parvenir à un consensus, alors pour les questions relevant de :
 - i l'article II.I.1.a, le Secrétaire général peut engager une procédure de vote à distance conformément à l'article II.I.6 ou peut décider de ne rien entamer du tout ;
 - ii l'article II.I.1.b, le Secrétaire général engage la procédure de vote à distance conformément à l'article II.I.6.

6 Si le Secrétaire général entame la procédure de vote à distance, tout vote ou autre réponse doit être communiqué dans les 10 jours suivant la date d'ouverture de la procédure. La question est réglée si au moins :

- a la majorité des Membres a voté, répondu par une abstention ou reconnu autrement le début de la procédure de vote à distance ; et
- b une majorité des voix exprimées est en faveur de la décision.

7 Le Secrétaire général communique immédiatement aux Membres l'issue du vote, en indiquant le vote de chaque Membre.

J *Règles concernant les observateurs*

1 Observateurs

- a Les États, organisations intergouvernementales et organisations internationales non gouvernementales peuvent être invités à participer aux réunions en qualité d'observateurs.
- b Les Parties contractantes non membres qui participent à une réunion de Commission spéciale sur le fonctionnement pratique d'une Convention HCCH à laquelle elles sont Parties, assistent à ces réunions en tant que Parties contractantes et non en tant qu'observateurs.

2 Élaboration d'une liste des observateurs

- a Le CAGP élabore une liste des observateurs.
- b Pour chaque organisation intergouvernementale et internationale non gouvernementale à répertorier, la liste des observateurs permet aux Membres d'accéder aux informations concernant chaque organisation.

3 Tenue de la liste des observateurs

- a Le CAGP tient à jour la liste des observateurs en :

5 Abstentions shall not be counted as votes.

6 Each delegation shall have one vote. A delegation may not represent and vote for another delegation.

7 The meeting shall vote by show of hands. The Chair, or any delegation, may request to take the vote by a roll-call.

- a A rollcall shall be taken in the alphabetical order of the French names of the States or Member Organisations participating in the meeting, beginning with the delegation designated by the Chair.
- b Each delegation shall be called and reply “for”, “against” or “abstention”, or shall make known the delegation’s choice if opposing proposals are put before the meeting.

8 Certain matters may be decided by methods other than those mentioned in Rule II.H.7, such as a secret ballot.

9 After the Chair has announced the beginning of voting, no delegation may interrupt the voting except on a point of order in connection with the conduct of the voting.

10 The Chair may permit each delegation to explain the vote of the delegation, either before or after the voting.

I *Taking decisions in between meetings (distance decision-making process)*

1 In an urgent and exceptional case:

- a the Secretary General, together with the Chair of CGAP, and after consultations with Members; or
 - b half of the Members,
- may submit that a question should be decided using a distance decision-making process.

2 The submission shall be communicated by the PB to all Members. This submission shall include an explanation of the question, including the proposed decision, the urgent and exceptional nature of the case, and any HR and financial implications of the decision.

3 After a short period of inclusive consultations, the Secretary General shall initiate the distance decision-making process, indicating whether:

- a the proposed decision can be made using the silence procedure in Rule II.I.4; or
- b by its nature, the question cannot be decided by a silence procedure and the distance voting procedure in Rule II.I.6 must be commenced.

4 If the proposed decision can be made using the silence procedure, then in the absence of any objection against the proposed decision within 15 days after the silence procedure was initiated, the proposed question will have thereby been decided.

5 If the silence procedure is initiated and an objection against the proposed decision is raised, the Secretary General shall initiate a further round of inclusive consultations with Members to establish whether there may be sufficient prospect of reaching consensus. If this further consultation with Members indicates that there is:

- a sufficient prospect of reaching consensus, the Secretary General shall initiate a further silence procedure in accordance with Rule II.I.4;
- b no sufficient prospect of reaching consensus, then for matters commenced under:
 - i Rule II.I.1.a, the Secretary General may initiate a distance voting procedure in accordance with Rule II.I.6 or may decide not to proceed at all;
 - ii Rule II.I.1.b, the Secretary General shall initiate the distance voting procedure in accordance with Rule II.I.6.

6 If the Secretary General commences the distance voting procedure, then any vote or other response must be provided within 10 days after the date the procedure commenced. The matter is decided if at least:

- a a majority of Members either voted, responded with an abstention or otherwise acknowledged the commencement of the distance voting procedure; and
- b a majority of votes cast is in favour of the decision.

7 The Secretary General shall communicate to Members immediately the outcome of the vote, specifying how each Member voted.

J *Rules for Observers*

1 Observers

- a States, intergovernmental organisations and international non-governmental organisations may be invited to attend meetings as Observers.
- b Non-Member Contracting Parties attending an SC on the practical operation of an HCCH Convention to which they are a Party, attend these meetings as Contracting Party, not as Observers.

2 Establishing a List of Observers

- a CGAP shall establish a List of Observers.
- b For each intergovernmental and international non-governmental organisation to be listed, the List of Observers shall enable the Members to access information concerning each organisation.

3 Maintaining the List of Observers

- a CGAP shall maintain the List of Observers by:

- i la réexaminant ; et
 - ii décidant de la modifier en ajoutant ou en supprimant des observateurs, selon les besoins.
 - b Le CAGP examine la liste des observateurs chaque année dans le cadre de sa réunion.
 - c Les États dont l'admission en tant que nouvel État membre a été décidée (art. 2(2) du Statut), mais dont l'admission n'a pas encore pris effet (art. 2(3) du Statut) sont automatiquement :
 - i ajoutés à la liste des observateurs ; et
 - ii retirés de la liste des observateurs lorsque l'admission devient effective.
- 4 Invitation des observateurs
- a Le Secrétaire général envoie les invitations aux observateurs dans un délai précédant suffisamment la date de la réunion. Le nombre d'invitations envoyées aux observateurs doit être approprié au regard de l'importance de la réunion.
 - b Les invitations comprennent une référence au Règlement intérieur applicable.
 - c Le cas échéant, les invitations aux observateurs sont émises en consultation avec le Président de la réunion.
- 5 Participation aux réunions
- a Les Membres peuvent s'opposer à la participation des observateurs à une réunion. Cette opposition doit, dans la mesure du possible, être formulée avant la tenue de la réunion.
 - b Les observateurs peuvent participer et intervenir au cours de la réunion. Ils doivent se conformer au présent Règlement, à tout autre Règlement ainsi qu'à toutes les instructions données par le Président.
 - c Les observateurs ne participent pas au processus de décision.
 - d Les Membres et, le cas échéant, les Parties contractantes, ont la priorité sur les observateurs. Parmi les observateurs, les États ont la priorité sur les organisations intergouvernementales et internationales non gouvernementales. Ces règles de priorité sont soumises à toute instruction donnée par le Président.
 - e À tout moment, le Président peut déclarer la réunion, ou une partie de celle-ci, non ouverte aux observateurs.
 - f Les personnes représentant les observateurs ne peuvent pas également représenter d'autres observateurs, États membres ou, le cas échéant, Parties contractantes.
 - g En cas de conflit d'intérêts ou de non-respect des instructions du Président, l'assemblée peut, à la demande du Président, décider d'exclure un observateur ou l'expert qui le représente. Si l'assemblée décide d'exclure un observateur ou un expert le représentant, le Président peut recommander au CAGP de retirer l'observateur de la liste des observateurs.
- III DISPOSITIONS PARTICULIÈRES
- A *Sessions diplomatiques, notamment les Commissions des Sessions*
- 1 Convocation
- La convocation aux Sessions diplomatiques est régie par l'article 4 du Statut.
- 2 Lettres de créance
- a Les lettres de créance des chefs de délégation, et de leurs suppléants autorisés, de tous les Membres participants sont soumises au Secrétaire général, si possible, au plus tard sept jours avant la tenue de la Session diplomatique.
 - b Les lettres de créance sont délivrées par le chef de l'État ou du gouvernement, le ministre des Affaires étrangères ou une autre autorité compétente du Membre.
- 3 Ouverture de la Session diplomatique
- Le Président de la Commission d'État néerlandaise de droit international privé ouvre la Session diplomatique.
- 4 Présidents et vice-Présidents de la Session diplomatique
- a Les séances plénières de la Session diplomatique sont présidées par le Président de la Commission d'État néerlandaise (art. 4(5) du Statut).
 - b La séance plénière élit, sur proposition du Président, un ou plusieurs vice-Président(s) de la Session diplomatique ainsi que les Présidents et vice-Présidents des Commissions de la Session, en application de l'article II.E.
- 5 Commissions de la Session
- a Une Commission de la Session finalise un projet d'instrument normatif. Lorsque plusieurs projets d'instruments normatifs doivent être finalisés dans le cadre d'une Session diplomatique, une Commission est établie pour chaque projet d'instrument normatif. Si plusieurs Commissions sont établies, chaque Commission est numérotée.
 - b Les Commissions mènent leurs travaux en première et deuxième lectures. Les règles concernant les propositions, y compris les décisions sur les propositions et le réexamen des propositions, s'appliquent en conséquence (art. II.F.6 à 8).
 - c Les travaux d'une Commission s'achèvent avec la deuxième lecture du projet d'instrument normatif.

- i reviewing it; and
 - ii deciding to amend it by adding or removing Observers, as appropriate.
 - b CGAP reviews the List of Observers annually as part of its meeting.
 - c States whose admission as a new Member State has been decided upon (Art. 2(2) of the Statute), but whose admission has not yet become effective (Art. 2(3) of the Statute) are automatically:
 - i added to the List of Observers; and
 - ii removed from the List of Observers when the admission becomes effective.
- 4 Inviting Observers
- a The Secretary General shall send invitations to Observers sufficiently in advance of the meeting. The number of invitations sent to Observers shall be appropriate when compared to the size of the meeting.
 - b Invitations shall include a reference to the applicable Rules of Procedure.
 - c Where applicable, the invitations to Observers shall be issued in consultation with the Chair of the meeting.
- 5 Participation in meetings
- a Members may object to the participation of Observers in a meeting. Objection should, to the extent possible, be made in advance of the meeting.
 - b Observers may participate in, and intervene during, the meeting. They must comply with these Rules of Procedure, any other Rules as well as all instructions given by the Chair.
 - c Observers do not participate in the decision-making process.
 - d Members, and, where relevant, Contracting Parties, shall have priority over Observers. Among the Observers, States shall have priority over intergovernmental and international non-governmental organisations. These priority rules are subject to any instructions given by the Chair.
 - e At any time, the Chair may declare the meeting, or parts thereof, to be closed to Observers.
 - f Those representing Observers shall not also represent any other Observers, Member States or, where relevant, Contracting Parties.
 - g In case of a conflict of interest, or a non-compliance with the Chair's instructions, the meeting may, upon request by the Chair, decide
- to exclude an Observer or the Expert representing the Observer. If the meeting decides to exclude an Observer or an Expert representing the Observer, the Chair may recommend to CGAP the removal of the Observer from the List of Observers.
- III SPECIAL PROVISIONS
- A *Diplomatic Sessions, including Commissions of the Sessions*
- 1 Convocation
- The convocation of DS is governed by Article 4 of the Statute.
- 2 Credentials
- a Credentials for the heads of delegation, and their authorised substitutes, of all participating Members shall be submitted to the Secretary General, if possible, no later than seven days before the DS.
 - b The credentials shall be issued by the Head of State or Government, the Minister of Foreign Affairs, or another competent authority of the Member.
- 3 Opening of the Diplomatic Session
- The President of the Netherlands Standing Government Committee on Private International Law opens the DS.
- 4 Chairs and Vice-Chairs of the Diplomatic Session
- a Plenary meetings of the DS shall be chaired by the President of the Netherlands Standing Government Committee (Art. 4(5) of the Statute).
 - b The plenary meeting shall, upon the proposal of the Chair, elect one or more Vice-Chairs of the DS as well as the Chairs and Vice-Chairs of the Commissions of the Session, applying Rule II.E.
- 5 Commissions of the Session
- a A Commission of the Session finalises a draft normative instrument. Where multiple draft normative instruments are to be finalised as part of one DS, one Commission of the Session is established for each draft normative instrument. In case of multiple Commissions of the Session, each Commission shall be numbered.
 - b Commission(s) of the Sessions conduct their work as first and second readings. The rules concerning proposals, including decisions on proposals and the reconsideration of proposals, apply accordingly (Rules II.F.6 to 8).
 - c With the second reading of the draft normative instrument, the work of a Commission of the Session ends.

- d Une Commission produit un projet final d'instrument normatif.
- 6 Acte final de la Session diplomatique
- a Le dernier jour de la Session diplomatique, la plénière se réunit pour la cérémonie de clôture de la Session diplomatique.
- b Lors de la cérémonie de clôture, certaines parties du projet final d'instrument normatif (y compris le préambule, certains articles clés et l'article final) sont lues une troisième fois. Cette troisième lecture est de nature cérémoniale et n'a aucun effet juridique.
- c Les délégués de tous les Membres participants peuvent signer le projet d'instrument normatif final en tant qu'Acte final. Les observateurs ne peuvent pas signer l'Acte final.
- d La signature de l'Acte final marque l'adoption du projet définitif d'instrument normatif et exprime l'accord des délégations sur le fait que le texte reproduit dans l'Acte final est bien le résultat des négociations.
- e La séance plénière de la Session diplomatique peut décider d'un possible toilettage de l'Acte final même après la signature de l'Acte final. Cette décision doit être expressément consignée dans les procès-verbaux de la Session diplomatique. Toute forme de toilettage doit être évitée autant que possible.
- f La date de la signature de l'Acte final détermine la date de l'instrument normatif.
- 7 La Commission sur les affaires générales et la politique de la Session
- a Le CAGP peut se réunir et siéger dans le cadre d'une Session diplomatique. Si c'est le cas, il siège en tant que Commission sur les affaires générales et la politique de la Session.
- b La Commission sur les affaires générales et la politique de la Session est présidée par le Président du CAGP.
- B *Conseil sur les affaires générales et la politique*
- 1 Président et vice-Président
- a Le CAGP est présidé par un délégué ou expert d'un Membre.
- b Le CAGP élit son Président sur la proposition du Président de la Commission d'État néerlandaise. La proposition est préparée en consultation avec le Secrétaire général et le Président du CAGP, en application de l'article II.E.
- c Le CAGP élit, sur la proposition de son Président, un vice-Président.
- d La durée du mandat du Président et du vice-Président est fixée par le CAGP. Le mandat peut être renouvelé.
- e Si un Président n'achève pas son mandat, le vice-Président devient Président par intérim jusqu'à la prochaine réunion du CAGP, le CAGP décidant du nouveau Président et du nouveau vice-Président.
- C *Conseil des Représentants diplomatiques, notamment son Comité permanent*
- 1 Président et vice-Président
- a Le CRD est présidé par le ministre des Affaires étrangères du Royaume des Pays-Bas (art. 10(3) du Statut). En cas d'empêchement du ministre des Affaires étrangères du Royaume des Pays-Bas, le CRD est présidé par le représentant désigné.
- b Le Comité permanent du CRD est présidé par un membre du CRD. Le Président est élu conformément à l'article 2(2) du *Règlement sur les questions financières et les pratiques budgétaires de la Conférence de La Haye de droit international privé*.
- c Le Comité permanent du CRD élit, sur proposition du Président, un vice-Président. Le vice-Président est membre du CRD.
- 2 Approbation du Budget
- Des règles spéciales concernant l'approbation du Budget s'appliquent (art. 8 du Règlement financier).
- D *Commissions spéciales (art. 8 du Statut)*
- 1 Président et vice-Présidents
- a La Commission spéciale est présidée par un délégué d'un Membre.
- b La Commission spéciale élit son Président sur proposition du Président de la Commission d'État néerlandaise. La proposition est préparée en consultation avec le Secrétaire général et le Président du CAGP, en application de l'article II.E.
- c La Commission spéciale, sur proposition de son Président, élit un ou plusieurs vice-Présidents, en application de l'article II.E.
- 2 La Commission spéciale n'est pas amenée à prendre de décisions mais le résultat découlant de ses travaux prend la forme de Conclusions et Recommandations soumises à l'approbation du CAGP.
- E *Groupes d'experts et de travail*
- 1 Les groupes d'experts et de travail sont établis par le CAGP.
- a Les groupes d'experts sont des organes chargés du travail préliminaire pouvant effectuer des recherches, des analyses ou examiner toute question relevant de leur mandat.

- d A Commission of the Session produces a final draft normative instrument.
- 6 Final Act of a Diplomatic Session
- a On the final day of the DS, the Plenary meets for the closing ceremony of the DS.
- b During the closing ceremony, select parts of the final draft normative instrument (including the Preamble, some key Articles and the final Article) are read for a third time. This third reading is ceremonial in nature and has no legal effect.
- c The delegates of all participating Members may sign the final draft normative instrument as Final Act. Observers cannot sign the Final Act.
- d The signing of the Final Act records the adoption of the final draft normative instrument and expresses the delegations' agreement that the text reproduced in the Final Act is indeed the result of the negotiations.
- e The plenary meeting of the DS may decide that *toilettage* of the Final Act remains possible even after the signing of the Final Act. This decision must be recorded expressly in the Minutes of the DS. Any form of *toilettage* is to be avoided as much as possible.
- f The date of the signing of the Final Act determines the date of the normative instrument.
- 7 The Session's Commission on General Affairs and Policy
- a CGAP may convene and sit as part of a DS. If so, then it sits as the Session's Commission on General Affairs and Policy.
- b The Session's Commission on General Affairs and Policy is chaired by the Chair of CGAP.
- B *Council on General Affairs and Policy*
- 1 Chair and Vice-Chair
- a CGAP shall be chaired by a delegate or expert of a Member.
- b CGAP shall elect the Chair upon a proposal submitted by the President of the Netherlands Standing Government Committee. The proposal is prepared in consultation with the Secretary General and the incumbent Chair of CGAP, applying Rule II.E.
- c CGAP shall, upon the proposal of its Chair, elect one Vice-Chair.
- d The term of office of the Chair and Vice-Chair is set by CGAP. The term of office may be renewed.
- e If a Chair does not complete the term of office, the Vice-Chair will become acting Chair until the next meeting of CGAP, with CGAP deciding on the new Chair and Vice-Chair.
- C *Council of Diplomatic Representatives, including its Standing Committee*
- 1 Chair and Vice-Chair
- a CDR shall be chaired by the Minister of Foreign Affairs of the Kingdom of the Netherlands (Art. 10(3) of the Statute). In case the Minister of Foreign Affairs of the Kingdom of the Netherlands is unable to attend, CDR shall be chaired by the designated representative.
- b The Standing Committee of CDR shall be chaired by a member of CDR. The Chair is elected in accordance with Article 2(2) of the *Regulations on Financial Matters and Budgetary Practices of the Hague Conference on Private International Law*.
- c The Standing Committee of CDR shall, upon the proposal by the Chair, elect one Vice-Chair. The Vice-Chair shall be a member of CDR.
- 2 Approval of the Budget
- Special rules concerning the approval of the Budget apply (Art. 8 of the Financial Regulations).
- D *Special Commissions (Art. 8 of the Statute)*
- 1 Chair and Vice-Chairs
- a SC shall be chaired by a delegate of a Member.
- b SC shall elect the Chair upon a proposal submitted by the President of the Netherlands Standing Government Committee. The proposal is prepared in consultation with the Secretary General and the incumbent Chair of CGAP, applying Rule II.E.
- c The SC shall, upon the proposal of the Chair of the SC, elect one or more Vice-Chairs, applying Rule II.E.
- 2 SC do not take decisions but develop outcomes in the form of Conclusions and Recommendations for approval by CGAP.
- E *Experts' and Working Groups*
- 1 EG and WG are established by CGAP.
- a EG are exploratory bodies that may research, analyse or consider any matter within their mandate.

- b Les groupes de travail sont des organes qui élaborent des propositions de solutions qui peuvent prendre la forme, entre autres, de projets de dispositions, de principes ou de guides.

2 Le CAGP définit le mandat de chaque groupe d'experts et de travail, notamment l'issue envisagée ainsi que toute procédure à appliquer par le groupe d'experts ou de travail que le CAGP peut juger appropriée.

3 Les groupes d'experts et de travail ne sont pas amenés à prendre de décisions mais le résultat découlant de leurs travaux prend la forme de Conclusions et Recommandations soumises à l'approbation du CAGP.

IV DISPOSITIONS DIVERSES

Afin de combler toute lacune du présent Règlement intérieur, les Membres se réfèrent aux règles ou usages existants de la HCCH (art. 12 du Statut). Si ces règles ou usages n'existent pas, les Membres peuvent combler une lacune en appliquant par analogie les règles existantes ou en revenant à des principes généraux.

V RÉVISION ET MODIFICATION DU RÈGLEMENT INTÉRIEUR

A Le Règlement peut être révisé ou modifié, en tout ou en partie, par une décision prise par le CAGP.

B Tout Membre ainsi que le Secrétaire général peuvent soumettre au CAGP une proposition écrite de modification du présent Règlement.

- b WG are bodies that develop proposed solutions which can take forms such as, but not limited to, draft provisions, principles or guides.

2 CGAP shall define the mandate of every EG and WG, including any expected outcomes as well as any procedure to be applied by the EG or WG that CGAP may deem appropriate.

3 EG and WG do not take decisions but develop outcomes in the form of Conclusions and Recommendations for approval by CGAP.

IV MISCELLANEOUS PROVISIONS

To fill any gap in these Rules of Procedure, Members revert to existing rules or usages of the HCCH (Art. 12 of the Statute). If such rules or usages do not exist, Members may fill a gap through the analogous application of existing rules or by reverting to general principles.

V REVIEW OF, AND AMENDMENTS TO, THE RULES OF PROCEDURE

A The Rules may be reviewed, or amended, in whole or in part, by a decision taken by CGAP.

B Any Member as well as the Secretary General may submit to CGAP a written proposal for amending these Rules.

Procès-verbal de la Séance de clôture

Minutes of the Closing Session

Mardi 2 juillet 2019 (après-midi)

Tuesday 2 July 2019 (afternoon)

1. The Session was opened at 12.00 p.m. in the Great Hall of Justice in the Peace Palace under the **Chairmanship of Mr Paul Vlas** (President of the Netherlands Standing Government Committee on Private International Law).

2. **The Chair** delivered the following remarks:

“Excellencies, Ladies and Gentlemen, Dear friends of the Hague Conference,

I welcome you all to the Great Hall of Justice of the Peace Palace. This magnificent court room is the home of the International Court of Justice, this great international institution that symbolises the triumph of the rule of law over the rule of force. Today, we assemble here not to quell a dispute. But we will contribute to the rule of law by adding to the rich tapestry of international treaties a new one: the 2019 Convention on the Recognition and Enforcement of Judgments in Civil or Commercial Matters of the Hague Conference on Private International Law. Over the past two weeks, we finalised the negotiations for this new Hague Convention. It was the culmination of a process that started in 2011. Much has been already said about the path this Convention took. But it is worth recalling that instruments such as the Hague Judgments Convention do not simply emerge overnight. No, they are the result of many hours of intellectual mastery, of compromising, of wordsmithing. And now, we hold in our hands an agreed text as the Final Act of the Diplomatic Session which we are here to sign today.

To mark this moment, it is now a great pleasure for me to invite the Minister of Foreign Affairs of the Kingdom of the Netherlands to provide his remarks to the Diplomatic Session. Minister Blok, the floor is yours.”

3. **The Minister of Foreign Affairs of the Kingdom of the Netherlands**, Minister Blok, delivered the following speech:

« Monsieur le Président, Excellences, Mesdames et Messieurs,

En tant que ministre des Affaires étrangères et représentant du Gouvernement du Royaume des Pays-Bas, je suis très honoré de m'adresser à vous à l'occasion de la Vingt-deuxième session de la Conférence de La Haye de droit international privé. La présente cérémonie est marquée par la signature de l'Acte final de cette Session, qui comprend le texte de la Convention de 2019 sur la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale.

And now please allow me to continue in English. You've spent the last two weeks intensively negotiating this Convention. I'd like to thank you and the Permanent Bureau for your valuable work. This is a new addition to the important body of Conventions adopted by the Hague Conference. The Hague Conference's mission is the progressive unification of the rules of private international law. The Conventions bridge differences between Members' legal systems in areas covered by private international law. This creates a high degree of legal security for individuals and companies. The Final Act with which a new instrument is added to the body of Hague Conference Conventions reaffirms the value of the Organisation and its mission. It enhances the legal certainty and predictability that is so important in international legal matters, especially in international trade and therefore our economy. It took a great deal of effort by you and your colleagues to arrive at today's result. As you know, over the past few years working groups and Special Commission meetings have been preparing the Convention on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. Delegates from all the Hague Conference Members and representatives of the many observers lent their highly specialised legal expertise to the process of drafting the Final Act. Today I have the honour of signing it. And I'm pleased to do so. Because I'm certain that this Convention, by offering certainty and legal security in cross-border transactions and litigation, will have a positive economic effect for Hague Conference Members. Not least, because it will inspire confidence in civil court judgments handed down in other Member States. It's hard to imagine a world without the Hague Conference Conventions. They have an impact on the daily lives of millions of people and offer solutions to the problems faced by many. So I'd like to stress again the importance of the Hague Conference's work. Every Member should take pride in this Organisation. The Netherlands is proud to have hosted the Conference since its founding in 1893. We're also proud to host the many other legal institutions that call The Hague home. The Hague Conference is special because it focuses on private international law and is vital to trade and commerce. It's also the oldest international organisation in the Netherlands. And of course I'm especially proud that a Dutchman, Tobias Asser, legal scholar and Nobel laureate, was closely involved in the history of this institution. We owe a big debt of gratitude to him and the many others who have made a contribution over the past 125 years. I'd like to close by expressing my appreciation and gratitude to everyone involved in drafting and finalising this important instrument. The process has taken many years and now, thanks to you all, it has yielded this result. I'd especially like to thank David Goddard. From the start of the negotiations he chaired the various Special Commission meetings, including the one which prepared the Convention for this Twenty-Second Diplomatic Session. I would also like to thank the Secretary-General of the Hague Conference and the other members of the Permanent Bureau for their work, and Professor Paul Vlas for chairing this Diplomatic Session.

Je tiens à finir mon intervention comme je l'ai commencée : en français. Je forme le vœu que l'accord que vous avez finalisé aujourd'hui prenne rang parmi les plus précieux joyaux des Conventions de La Haye. S'il est le plus récent, je suis certain qu'il n'en sera pas le dernier. Merci – Thank you! »

4. **The President** thanked Minister Blok for his warm words that reflected the importance of the treaty and also the HCCH as the preeminent global organisation for the unification of private international law. The President then invited First Secretary of the HCCH, Mr João Ribeiro-Bidaoui,

and Senior Legal Officer of the HCCH, Ms Ning Zhao, to conduct a ceremonial Plenary reading of the Convention.

5. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit le préambule : « Les Parties contractantes à la présente Convention, Désireuses de promouvoir un accès effectif de tous à la justice et de faciliter, à l'échelon multilatéral, le commerce et l'investissement fondés sur des règles, ainsi que la mobilité, par le biais de la coopération judiciaire, Estimant que cette coopération peut être renforcée par la mise en place d'un ensemble uniforme de règles essentielles sur la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale, afin de faciliter la reconnaissance et l'exécution effectives de ces jugements ».

6. **Ms Zhao (Senior Legal Officer)** continued to read the Preamble: "Convinced that such enhanced judicial cooperation requires, in particular, an international legal regime that provides greater predictability and certainty in relation to the global circulation of foreign judgments, and that is complementary to the *Convention of 30 June 2005 on Choice of Court Agreements*, Have resolved to conclude this Convention to this effect and have agreed upon the following provisions –".

7. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit l'article premier (Champ d'application), premier paragraphe : « La présente Convention s'applique à la reconnaissance et à l'exécution des jugements en matière civile ou commerciale. Elle ne recouvre notamment pas les matières fiscales, douanières ou administratives. »

8. **Ms Zhao (Senior Legal Officer)** read Article 4 (General provisions), paragraph 1: "A judgment given by a court of a Contracting State (State of origin) shall be recognised and enforced in another Contracting State (requested State) in accordance with the provisions of this Chapter. Recognition or enforcement may be refused only on the grounds specified in this Convention."

9. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit l'article 4, deuxième paragraphe : « Le jugement ne peut pas faire l'objet d'une révision au fond dans l'État requis. Il ne peut y avoir d'appréciation qu'au regard de ce qui est nécessaire pour l'application de la présente Convention. »

10. **Ms Zhao (Senior Legal Officer)** read Article 4, paragraph 3: "A judgment shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin."

11. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit l'article 5 (Fondements de la reconnaissance et de l'exécution), premier paragraphe : « Un jugement est susceptible d'être reconnu et exécuté si l'une des exigences suivantes est satisfaite : (a) la personne contre laquelle la reconnaissance ou l'exécution est demandée avait sa résidence habituelle dans l'État d'origine lorsqu'elle est devenue partie à la procédure devant le tribunal d'origine ».

12. **Ms Zhao (Senior Legal Officer)** read Article 15 (Recognition and enforcement under national law): "Subject to Article 6, this Convention does not prevent the recognition or enforcement of judgments under national law."

13. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit l'article 20 (Interprétation uniforme) : « Aux fins de l'interprétation de la présente Convention, il sera tenu compte de son caractère international et de la nécessité de promouvoir l'uniformité de son application. »

14. **Ms Zhao (Senior Legal Officer)** read Article 24 (Signature, ratification, acceptance, approval or accession), paragraphs 1 and 3: "This Convention shall be open for signature by all States", "This Convention shall be open for accession by all States".

15. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit l'article 26 (Organisations régionales d'intégration économique), premier paragraphe, première partie : « Une Organisation régionale d'intégration économique constituée seulement par des États souverains et ayant compétence sur certaines ou toutes les matières régies par la présente Convention peut signer, accepter ou approuver cette Convention ou y adhérer. »

16. **Ms Zhao (Senior Legal Officer)** read Article 28 (Entry into force), paragraph 1: "This Convention shall enter into force on the first day of the month following the expiration of the period during which a notification may be made in accordance with Article 29(2) with respect to the second State that has deposited its instrument of ratification, acceptance, approval or accession referred to in Article 24."

17. **M. Ribeiro-Bidaoui (Premier secrétaire)** lit la clause finale : « Fait à La Haye, le 2 juillet 2019, en un seul exemplaire qui sera déposé dans les archives du Bureau Permanent et dont une copie certifiée conforme sera remise à chacun des Gouvernements représentés à la Vingt-deuxième session de la Conférence. »

18. **The President** thanked Mr Ribeiro-Bidaoui and Ms Zhao for the ceremonial reading. The President then made the following remarks:

"Excellencies, Ladies and Gentlemen, this brings us now to the moment we have been waiting for: the signing of the Final Act of the Diplomatic Session.

With signing the Final Act, you express your agreement that the text reproduced in this document is indeed the result of the negotiations we had. But by signing the Final Act, you do not sign the Convention – this is a separate matter to which we will turn a little later in the programme. Rather, your signature marks the adoption of a new Convention, the birth of a new international treaty that was negotiated and agreed multilaterally and that regulates the recognition and enforcement of foreign judgments abroad: the 2019 Convention on the Recognition and Enforcement of Judgments in Civil or Commercial Matters. To proceed, may I invite the Secretary General to take his seat at the signing table."

The Secretary General proceeded to the signing table.

The President continued:

"Excellencies, Ladies and Gentlemen, it is my pleasure to call first upon Minister Blok to affix his signature to the Final Act of the Diplomatic Session on behalf of the Kingdom of the Netherlands, the host State of the Hague Conference on Private International Law. We will then call upon delegations in French alphabetical order and I ask you to proceed to the table and sign in the space assigned to your delegation. But first, may I call upon Minister Blok."

Minister Blok affixed his signature to the Final Act.

The President continued:

“Minister Blok, I thank you for affixing your signature to the Final Act of the Diplomatic Session. We understand that your busy schedule demands that you leave us now, and I wish not to detain you for much longer. But I will take this opportunity to record our collective gratitude for the Kingdom of the Netherlands’ longstanding and immeasurable support of the Hague Conference as well as for this Diplomatic Session and the resulting Hague Convention.”

The Secretary General escorted Minister Blok from the Great Hall of Justice.

The Secretary General returned to the signing table.

19. **Mr Ribeiro-Bidaoui (Premier secrétaire)** called upon delegations from the following Members to affix their signatures to the Final Act:

La République d’Afrique du Sud, le Royaume d’Arabie saoudite, la République argentine, l’Australie, la République fédérative du Brésil, le Canada, la République du Chili, la République populaire de Chine, la République de Corée, la République du Costa Rica, la République de l’Équateur, les États-Unis d’Amérique, la République de l’Inde, l’État d’Israël, le Japon, la République du Kazakhstan, le Royaume de Norvège, la Nouvelle-Zélande, la République du Paraguay, la République du Pérou, la République des Philippines, la Fédération de Russie, la République de Serbie, la République de Singapour, la République socialiste démocratique de Sri Lanka, la Confédération suisse, la République turque, l’Ukraine, l’Union européenne, la République fédérale d’Allemagne, la République d’Autriche, le Royaume de Belgique, la République de Bulgarie, la République de Chypre, la République de Croatie, le Royaume d’Espagne, la République d’Estonie, la République de Finlande, la République française, la République hellénique, la Hongrie, l’Irlande, la République italienne, la République de Lettonie, la République de Lituanie, le Grand-Duché de Luxembourg, le Royaume des Pays-Bas, la République de Pologne, la République portugaise, la République tchèque, la Roumanie, le Royaume-Uni de Grande-Bretagne et d’Irlande du Nord, la République slovaque, la République de Slovénie, le Royaume de Suède, la République orientale de l’Uruguay.

The Secretary General signed the Final Act.

20. **The President** made the following remarks:

“Excellencies, Ladies and Gentlemen. Thank you for signing the Final Act. As I said, with you affixing your signatures, we witnessed the birth of a new international treaty. It is the 40th instrument of the Hague Conference on Private International Law. May this instrument prosper; may it be successful; may it be the game-changer we all believe it to be. I now call upon the Secretary General to offer his remarks.”

21. **The Secretary General** delivered the following speech:

“Dear Chair of the Session, Excellencies, Chairs of the Commissions, delegates, friends and colleagues.

So, here we are. Fourteen days ago, we opened the Session. And now the Final Act is signed. We just witnessed the formal adoption of a new international treaty. Not just any treaty. The 40th global instrument developed by the HCCH in modern times: the *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*. We can be proud of what we

have achieved. A Convention that clearly has the potential to be a true game-changer. A Convention that offers one global framework providing certainty and predictability in relation to the global circulation of foreign judgments. An important gap in the landscape of private international law has finally been filled. We can be proud of the HCCH itself. The Organisation has delivered. It has shown that it can develop and adopt complex multilateral treaties which can make a real difference to many people globally. And it has shown that it can do so while pursuing universality, promoting inclusiveness, giving a true and effective meaning to consensus. The HCCH – Connecting. Protecting. Cooperating: since 1893 – and for many years to come.

We can be proud of what we have achieved. And yet, when the Chair will close this Twenty-Second Diplomatic Session in a short while from now, another chapter is opened, another type of work starts. Must start. We will move this new instrument from the HCCH’s normative to the non-normative agenda. We will need to promote the Convention! We will need to make sure that the Convention is taken up by States. That it is implemented correctly. That it operates effectively. That it works for those for whom we created it: people, businesses around the globe. Not a small order, and certainly not one the Permanent Bureau can accomplish alone. Our collective achievement will not be measured by what has happened today. Our success will not be measured in the form of a Final Act that features plenty of signatures. Our achievement will be judged by what is going to happen in the coming months and years. When will the instrument enter into force? How many States will have become Contracting States in, say, three, five years’ time? Enough to plan or even hold a first Special Commission on the practical operation of the instrument? I have no answers to these questions today. But with my colleagues here in The Hague, in Buenos Aires and in Hong Kong, we at the Permanent Bureau will of course play our role in making sure that this Convention will be the game-changer it clearly can be. That it will be taken up by many States around the world swiftly, so that more and more people and businesses will reap the benefits it promises.

Mais, une fois de plus, nous ne pouvons y arriver seuls. C’est pourquoi, Excellences, Mesdames et Messieurs, permettez-moi de saisir l’occasion qui m’est offerte aujourd’hui pour vous demander – à toutes et à tous ici présents – de nous aider dans cette entreprise. Chacune et chacun d’entre vous qui avez signé l’Acte final aujourd’hui : vous êtes toutes et tous des championnes et champions de la Convention ! En fait, je ne saurais penser à de meilleures ambassadrices ou de meilleurs ambassadeurs que vous pour promouvoir notre nouvel instrument, fruit de nos efforts collectifs ! Aussi, lorsque vous retournerez dans vos capitales, ministères, cabinets, ou bureaux, ayez recours à votre expérience et à vos connaissances, servez-vous de la force, de la puissance de ce que vous avez accompli ici pour donner à la Convention l’envergure et l’impact qu’elle est appelée à avoir.

Notre succès sera mesuré à l’aune de ce que nous réaliserons dès ce jour pour la Convention, au rythme des ratifications et adhésions qu’elle entraînera. Nous serons évalués à l’aune de son bon fonctionnement, des avantages réels que de nombreuses personnes et entreprises pourront en tirer dans le monde entier. Cela marquera la véritable réussite de cette Convention. Réunis ensemble ici dans cette salle il l’aura si significative, le jour même de la naissance de cette Convention, nous devons persister, poursuivre nos efforts collectifs afin d’en assurer son véritable succès. Bonne et longue vie à la Convention! Je vous remercie. »

The Secretary General gifted the pens used in the signing of the Final Act.

22. **The Chair** thanked the Secretary General for the wonderful gift and made the following remarks:

“I thank the Secretary General for these remarks and for recalling that the success of this instrument will not be measured by how many issues we could include or by how well it was drafted. A treaty always lives through its use – not its usefulness. We will indeed measure the Hague Judgments Convention by how widely it is implemented, by how many people and businesses can avail themselves of its benefits. This will be the real evidence whether we signed today a true game-changer.

Excellencies, Ladies and Gentlemen, this now brings us to the point where it is possible for States and Regional Economic Integration Organisations to sign the Convention. I am informed that Uruguay wishes to sign the Convention. May I invite the Secretary General to go to the signing table, and I invite the Ambassador of the Republic of Uruguay, Ms Laura Dupuy Lasserre, to sign the Convention. And also a warm welcome to the depositary of the Kingdom of the Netherlands, the Ministry of Foreign Affairs.”

23. **The Ambassador of the Republic of Uruguay** signed the Convention, and delivered the following speech:

“Your Excellency Professor Paul Vlas, President of the Netherlands Standing Committee on Private International Law and Chair of this Twenty-Second Session, Mr Christophe Bernasconi, Secretary General of the HCCH, distinguished delegations, ladies and gentlemen. It is an historic day for the HCCH with the opening for signature of the *Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*, and it is an honour for Uruguay to be among the first countries in signing this modern and innovative Convention that will fulfil a necessity that our globalised and interconnected world has been asking for. The Hague, known as the international city for peace and justice, has been once again the scenario for these fruitful negotiations, developed in good faith with academics, diplomats and other public servants from all over the world, working together in such complex matters constructively. Inclusiveness has guided this process as well as tolerance, respect, and flexibility in order to build this balanced text and reach consensus beyond national interest or preferences, and beyond our different legal systems and cultures. The delegation of Uruguay hopes to have contributed to that end with its principal ideas, but also its openness for dialogue and flexibility. We are proud to come from the country where the first treaties on private international law ever in force and still in force were negotiated back in 1888-1889. Today the commitment of Uruguay is reiterated and reinforced with this signature. We feel that with the HCCH, at the end of this Twenty-Second Diplomatic Session, international private law is alive. All of us, as Member States, have a great responsibility to help our people who need answers every day and legal certainty in all the fields covered by the Hague Conference. After the ceremony, of course, a process to promote its broader signature and ratification starts. But for now, congratulations to all of you for this milestone.”

The room applauded.

24. **The Chair** thanked the Republic of Uruguay for signing the Convention, and the Ambassador for her remarks on the occasion. He expressed the hope that the signing by Uruguay would be followed by the signing of many other

States, and that it would represent the first step towards ratification of this new Convention. The Chair then delivered the following speech:

“Excellencies, Ladies and Gentlemen, as we just witnessed the birth of a new treaty, our work is done – and yet, there are no laurels to rest upon, we are just at the beginning. As the Secretary General convincingly pointed out, this Convention will only be as successful as it will be taken up by the international community. It will only assist in transactional and litigation planning effectively if the Convention is widely implemented. It will only make a real difference to the costs of cross-border litigation if the Convention’s rules and mechanisms are available to large number of international actors. And it will only ever help people gain better access to justice globally if you here in the room not only adopt the Final Act, but upon your return home lobby your Ministers, your senior officials, to sign and implement the 2019 *Convention on the Recognition and Enforcement of Judgments in Civil or Commercial Matters*. Today, we celebrate our success. But this is only the first rung in the ladder of success for this new Convention. It is upon you to climb this ladder – rung by rung. You must build upon today’s success – which is only the start of the real work which lies ahead, and which will transform this Convention into a successful Convention. This is your challenge for the years to come.

Excellencies, Ladies and Gentlemen, there is a long list of those to whom I wish to express my gratitude. I thank the Government of the Kingdom of the Netherlands for its unwavering support for the important work of the HCCH and this Diplomatic Session. I thank my Vice-Chairs for assisting me so diligently and efficiently in discharging my role as Chair of this Session. I thank the Chair of the Commission, David Goddard, and his Vice-Chairs for managing the negotiations so wisely and professionally, allowing us to celebrate this success today. David, you chaired the meetings of the Commission with much wisdom, energy and humour. During all these years of preparation of this Convention, you stayed optimistic and showed great leadership in negotiations which were not always easy. Thank you very much for all your work! I also wish to thank Andrew Walter for chairing the Session’s Commission on General Affairs and Policy. We all witnessed a smooth and flexible change of Chairs during this Diplomatic Session. I thank the Secretary General and the Permanent Bureau for their tireless efforts – also over many years leading up to this Diplomatic Session – without which today’s success would be simply unthinkable. And I thank you, the delegates, you who came to The Hague from near and far to negotiate and adopt this new Convention. You were innovative. You found solutions. You were bold. You moved challenges out of our way. You compromised. You grabbed the once in a – lawyer’s – generation opportunity. You were successful indeed. And with this it falls upon me to close officially the Twenty-Second Diplomatic Session of the Hague Conference on Private International Law. I wish you all a safe return and invite you to join us for the Closing reception which is hosted by the Kingdom of the Netherlands and which will take place in the Foyer of the Peace Palace, just outside the Great Hall.”

25. The Twenty-Second Session was closed at 1.22 p.m.

Acte final
Final Act

Les soussignés, Délégués de l’Afrique du Sud, de l’Albanie, de l’Allemagne, de l’Arabie saoudite, de l’Argentine, de l’Australie, de l’Autriche, du Bélarus, de la Belgique, du Brésil, de la Bulgarie, du Canada, du Chili, de la Chine, de Chypre, de la Corée (République de), du Costa Rica, de la Croatie, du Danemark, de l’Égypte, de l’Équateur, de l’Espagne, de l’Estonie, des États-Unis d’Amérique, de la Finlande, de la France, de la Grèce, de la Hongrie, de l’Inde, de l’Irlande, d’Israël, de l’Italie, du Japon, de la Jordanie, du Kazakhstan, de la Lettonie, de la Lituanie, du Luxembourg, de Malte, du Maroc, du Mexique, de la Norvège, de la Nouvelle-Zélande, du Paraguay, des Pays-Bas, du Pérou, des Philippines, de la Pologne, du Portugal, de la République de Moldova, de la République tchèque, de la Roumanie, du Royaume-Uni de Grande-Bretagne et d’Irlande du Nord, de la Russie, de la Serbie, de Singapour, de la Slovaquie, de la Slovénie, du Sri Lanka, de la Suède, de la Suisse, de la Tunisie, de la Turquie, de l’Ukraine, de l’Union européenne, de l’Uruguay, du Vietnam et de la Zambie, Membres, ainsi que les Représentants des Émirats arabes unis, de l’Indonésie, de l’Iran, de la République d’Ouzbékistan, de la Thaïlande et du Zimbabwe, participant à titre d’Observateurs, se sont réunis à La Haye du 18 juin au 2 juillet 2019, sur invitation du Gouvernement des Pays-Bas, en Vingt-deuxième session de la Conférence de La Haye de droit international privé.

À la suite des délibérations consignées dans les procès-verbaux, ils ont adopté :

A La Convention suivante :

CONVENTION SUR LA RECONNAISSANCE ET
L’EXÉCUTION DES JUGEMENTS ÉTRANGERS
EN MATIÈRE CIVILE OU COMMERCIALE

Les Parties contractantes à la présente Convention,

Désireuses de promouvoir un accès effectif de tous à la justice et de faciliter, à l’échelon multilatéral, le commerce et l’investissement fondés sur des règles, ainsi que la mobilité, par le biais de la coopération judiciaire,

Estimant que cette coopération peut être renforcée par la mise en place d’un ensemble uniforme de règles essentielles sur la reconnaissance et l’exécution des jugements étrangers en matière civile ou commerciale, afin de faciliter la reconnaissance et l’exécution effectives de ces jugements,

Convaincues que cette coopération judiciaire renforcée nécessite notamment un régime juridique international offrant une plus grande prévisibilité et sécurité en matière de circulation des jugements étrangers à l’échelle mondiale, qui soit complémentaire de la *Convention du 30 juin 2005 sur les accords d’élection de for*,

Ont résolu de conclure la présente Convention à cet effet et sont convenues des dispositions suivantes :

CHAPITRE I – CHAMP D’APPLICATION
ET DÉFINITIONS

Article premier
Champ d’application

1 La présente Convention s’applique à la reconnaissance et à l’exécution des jugements en matière civile ou commerciale. Elle ne recouvre notamment pas les matières fiscales, douanières ou administratives.

2 La présente Convention s’applique à la reconnaissance et à l’exécution, dans un État contractant, d’un jugement rendu par un tribunal d’un autre État contractant.

Article 2
Exclusions du champ d’application

1 La présente Convention ne s’applique pas aux matières suivantes :

- (a) l’état et la capacité des personnes physiques ;
- (b) les obligations alimentaires ;
- (c) les autres matières du droit de la famille, y compris les régimes matrimoniaux et les autres droits ou obligations découlant du mariage ou de relations similaires ;
- (d) les testaments et les successions ;
- (e) l’insolvabilité, les concordats, la résolution d’établissements financiers, ainsi que les matières analogues ;
- (f) le transport de passagers et de marchandises ;
- (g) la pollution marine transfrontière, la pollution marine dans les zones ne relevant pas de la juridiction nationale, la pollution marine par les navires, la limitation de responsabilité pour des demandes en matière maritime, ainsi que les avaries communes ;
- (h) la responsabilité pour les dommages nucléaires ;
- (i) la validité, la nullité ou la dissolution des personnes morales ou des associations entre personnes physiques ou personnes morales, ainsi que la validité des décisions de leurs organes ;
- (j) la validité des inscriptions sur les registres publics ;
- (k) la diffamation ;
- (l) le droit à la vie privée ;
- (m) la propriété intellectuelle ;

Final Act of the Twenty-Second Session

The undersigned, Delegates of Albania, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, European Union, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Korea (Republic of), Latvia, Lithuania, Luxembourg, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam and Zambia, Members, as well as the Representatives of Indonesia, Iran, Republic of Uzbekistan, Thailand, United Arab Emirates and Zimbabwe, participating as Observers, convened at The Hague from 18 June to 2 July 2019, at the invitation of the Government of the Netherlands, in the Twenty-Second Session of the Hague Conference on Private International Law.

Following the deliberations laid down in the records of the meetings, they have adopted –

A The following Convention –

CONVENTION ON THE RECOGNITION AND
ENFORCEMENT OF FOREIGN JUDGMENTS
IN CIVIL OR COMMERCIAL MATTERS

The Contracting Parties to the present Convention,

Desiring to promote effective access to justice for all and to facilitate rule-based multilateral trade and investment, and mobility, through judicial co-operation,

Believing that such co-operation can be enhanced through the creation of a uniform set of core rules on recognition and enforcement of foreign judgments in civil or commercial matters, to facilitate the effective recognition and enforcement of such judgments,

Convinced that such enhanced judicial co-operation requires, in particular, an international legal regime that provides greater predictability and certainty in relation to the global circulation of foreign judgments, and that is complementary to the *Convention of 30 June 2005 on Choice of Court Agreements*,

Have resolved to conclude this Convention to this effect and have agreed upon the following provisions –

CHAPTER I – SCOPE AND DEFINITIONS

Article 1 *Scope*

1 This Convention shall apply to the recognition and enforcement of judgments in civil or commercial matters. It shall not extend in particular to revenue, customs or administrative matters.

2 This Convention shall apply to the recognition and enforcement in one Contracting State of a judgment given by a court of another Contracting State.

Article 2 *Exclusions from scope*

1 This Convention shall not apply to the following matters –

- (a) the status and legal capacity of natural persons;
- (b) maintenance obligations;
- (c) other family law matters, including matrimonial property regimes and other rights or obligations arising out of marriage or similar relationships;
- (d) wills and succession;
- (e) insolvency, composition, resolution of financial institutions, and analogous matters;
- (f) the carriage of passengers and goods;
- (g) transboundary marine pollution, marine pollution in areas beyond national jurisdiction, ship-source marine pollution, limitation of liability for maritime claims, and general average;
- (h) liability for nuclear damage;
- (i) the validity, nullity, or dissolution of legal persons or associations of natural or legal persons, and the validity of decisions of their organs;
- (j) the validity of entries in public registers;
- (k) defamation;
- (l) privacy;
- (m) intellectual property;

- (n) les activités des forces armées, y compris celles de leur personnel dans l'exercice de ses fonctions officielles ;
- (o) les activités relatives au maintien de l'ordre, y compris celles du personnel chargé du maintien de l'ordre dans l'exercice de ses fonctions officielles ;
- (p) les entraves à la concurrence, sauf lorsque le jugement porte sur un comportement qui constitue un accord anticoncurrentiel ou une pratique concertée entre concurrents réels ou potentiels visant à fixer les prix, procéder à des soumissions concertées, établir des restrictions ou des quotas à la production, ou diviser des marchés par répartition de la clientèle, de fournisseurs, de territoires ou de lignes d'activité, et lorsque ce comportement et ses effets se sont tous deux produits dans l'État d'origine ;
- (q) la restructuration de la dette souveraine par des mesures étatiques unilatérales.

2 Un jugement n'est pas exclu du champ d'application de la présente Convention lorsqu'une question relevant d'une matière à laquelle elle ne s'applique pas est soulevée seulement à titre préalable et non comme objet du litige. En particulier, le seul fait qu'une telle matière ait été invoquée dans le cadre d'un moyen de défense n'exclut pas le jugement du champ d'application de la Convention, si cette question n'était pas un objet du litige.

3 La présente Convention ne s'applique pas à l'arbitrage et aux procédures y afférentes.

4 Un jugement n'est pas exclu du champ d'application de la présente Convention du seul fait qu'un État, y compris un gouvernement, une agence gouvernementale ou toute personne agissant pour un État, était partie au litige.

5 La présente Convention n'affecte en rien les privilèges et immunités dont jouissent les États ou les organisations internationales, pour eux-mêmes et pour leurs biens.

Article 3 Définitions

1 Au sens de la présente Convention :

- (a) le terme « défendeur » signifie la personne contre laquelle la demande ou la demande reconventionnelle a été introduite dans l'État d'origine ;
- (b) le terme « jugement » signifie toute décision sur le fond rendue par un tribunal, quelle que soit la dénomination donnée à cette décision, telle qu'un arrêt ou une ordonnance, de même que la fixation des frais et dépens de la procédure par le tribunal (y compris par une personne autorisée du tribunal), à condition que cette fixation ait trait à une décision sur le fond susceptible d'être reconnue ou exécutée en vertu de la présente Convention. Les mesures provisoires et conservatoires ne sont pas des jugements.

2 Une entité ou une personne autre qu'une personne physique est réputée avoir sa résidence habituelle dans l'État :

- (a) de son siège statutaire ;
- (b) selon le droit duquel elle a été constituée ;

- (c) de son administration centrale ; ou
- (d) de son principal établissement.

CHAPITRE II – RECONNAISSANCE ET EXÉCUTION

Article 4 Dispositions générales

1 Un jugement rendu par un tribunal d'un État contractant (État d'origine) est reconnu et exécuté dans un autre État contractant (État requis) conformément aux dispositions du présent chapitre. La reconnaissance ou l'exécution ne peut être refusée qu'aux motifs énoncés dans la présente Convention.

2 Le jugement ne peut pas faire l'objet d'une révision au fond dans l'État requis. Il ne peut y avoir d'appréciation qu'au regard de ce qui est nécessaire pour l'application de la présente Convention.

3 Un jugement n'est reconnu que s'il produit ses effets dans l'État d'origine et n'est exécuté que s'il est exécutoire dans l'État d'origine.

4 La reconnaissance ou l'exécution peut être différée ou refusée si le jugement visé au paragraphe 3 fait l'objet d'un recours dans l'État d'origine ou si le délai pour exercer un recours ordinaire n'a pas expiré. Un tel refus n'empêche pas une demande ultérieure de reconnaissance ou d'exécution du jugement.

Article 5 Fondements de la reconnaissance et de l'exécution

1 Un jugement est susceptible d'être reconnu et exécuté si l'une des exigences suivantes est satisfaite :

- (a) la personne contre laquelle la reconnaissance ou l'exécution est demandée avait sa résidence habituelle dans l'État d'origine lorsqu'elle est devenue partie à la procédure devant le tribunal d'origine ;
- (b) la personne physique contre laquelle la reconnaissance ou l'exécution est demandée avait son établissement professionnel principal dans l'État d'origine lorsqu'elle est devenue partie à la procédure devant le tribunal d'origine et la demande sur laquelle se fonde le jugement résultait de son activité professionnelle ;
- (c) la personne contre laquelle la reconnaissance ou l'exécution est demandée est celle qui a saisi le tribunal de la demande, autre que reconventionnelle, sur laquelle se fonde le jugement ;
- (d) le défendeur avait une succursale, une agence ou tout autre établissement sans personnalité juridique propre dans l'État d'origine, au moment où il est devenu une partie à la procédure devant le tribunal d'origine, et la demande sur laquelle se fonde le jugement résultait des activités de cette succursale, de cette agence ou de cet établissement ;
- (e) le défendeur a expressément consenti à la compétence du tribunal d'origine au cours de la procédure dans laquelle le jugement a été rendu ;

- (n) activities of armed forces, including the activities of their personnel in the exercise of their official duties;
- (o) law enforcement activities, including the activities of law enforcement personnel in the exercise of their official duties;
- (p) anti-trust (competition) matters, except where the judgment is based on conduct that constitutes an anti-competitive agreement or concerted practice among actual or potential competitors to fix prices, make rigged bids, establish output restrictions or quotas, or divide markets by allocating customers, suppliers, territories or lines of commerce, and where such conduct and its effect both occurred in the State of origin;
- (q) sovereign debt restructuring through unilateral State measures.

2 A judgment is not excluded from the scope of this Convention where a matter to which this Convention does not apply arose merely as a preliminary question in the proceedings in which the judgment was given, and not as an object of the proceedings. In particular, the mere fact that such a matter arose by way of defence does not exclude a judgment from the Convention, if that matter was not an object of the proceedings.

3 This Convention shall not apply to arbitration and related proceedings.

4 A judgment is not excluded from the scope of this Convention by the mere fact that a State, including a government, a governmental agency or any person acting for a State, was a party to the proceedings.

5 Nothing in this Convention shall affect privileges and immunities of States or of international organisations, in respect of themselves and of their property.

Article 3 Definitions

1 In this Convention –

- (a) “defendant” means a person against whom the claim or counterclaim was brought in the State of origin;
- (b) “judgment” means any decision on the merits given by a court, whatever that decision may be called, including a decree or order, and a determination of costs or expenses of the proceedings by the court (including an officer of the court), provided that the determination relates to a decision on the merits which may be recognised or enforced under this Convention. An interim measure of protection is not a judgment.

2 An entity or person other than a natural person shall be considered to be habitually resident in the State –

- (a) where it has its statutory seat;
- (b) under the law of which it was incorporated or formed;

- (c) where it has its central administration; or
- (d) where it has its principal place of business.

CHAPTER II – RECOGNITION AND ENFORCEMENT

Article 4 General provisions

1 A judgment given by a court of a Contracting State (State of origin) shall be recognised and enforced in another Contracting State (requested State) in accordance with the provisions of this Chapter. Recognition or enforcement may be refused only on the grounds specified in this Convention.

2 There shall be no review of the merits of the judgment in the requested State. There may only be such consideration as is necessary for the application of this Convention.

3 A judgment shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

4 Recognition or enforcement may be postponed or refused if the judgment referred to under paragraph 3 is the subject of review in the State of origin or if the time limit for seeking ordinary review has not expired. A refusal does not prevent a subsequent application for recognition or enforcement of the judgment.

Article 5 Bases for recognition and enforcement

1 A judgment is eligible for recognition and enforcement if one of the following requirements is met –

- (a) the person against whom recognition or enforcement is sought was habitually resident in the State of origin at the time that person became a party to the proceedings in the court of origin;
- (b) the natural person against whom recognition or enforcement is sought had their principal place of business in the State of origin at the time that person became a party to the proceedings in the court of origin and the claim on which the judgment is based arose out of the activities of that business;
- (c) the person against whom recognition or enforcement is sought is the person that brought the claim, other than a counterclaim, on which the judgment is based;
- (d) the defendant maintained a branch, agency, or other establishment without separate legal personality in the State of origin at the time that person became a party to the proceedings in the court of origin, and the claim on which the judgment is based arose out of the activities of that branch, agency, or establishment;
- (e) the defendant expressly consented to the jurisdiction of the court of origin in the course of the proceedings in which the judgment was given;

(f) le défendeur a fait valoir ses arguments sur le fond devant le tribunal d'origine sans en contester la compétence dans les délais prescrits par le droit de l'État d'origine, à moins qu'il ne soit évident qu'une contestation de la compétence ou de son exercice aurait échoué en vertu de ce droit ;

(g) le jugement porte sur une obligation contractuelle et a été rendu par un tribunal de l'État dans lequel l'obligation a été ou aurait dû être exécutée, conformément

(i) à l'accord des parties, ou

(ii) à la loi applicable au contrat, à défaut d'un accord sur le lieu d'exécution,

sauf si les activités du défendeur en relation avec la transaction ne présentaient manifestement pas de lien intentionnel et substantiel avec cet État ;

(h) le jugement porte sur un bail immobilier et a été rendu par un tribunal de l'État où est situé l'immeuble ;

(i) le jugement rendu contre le défendeur porte sur une obligation contractuelle garantie par un droit réel relatif à un immeuble situé dans l'État d'origine, à condition que la demande contractuelle ait été accompagnée d'une demande portant sur ce droit réel dirigée contre ce défendeur ;

(j) le jugement porte sur une obligation non contractuelle résultant d'un décès, d'un dommage corporel, d'un dommage subi par un bien corporel ou de la perte d'un bien corporel et l'acte ou l'omission directement à l'origine du dommage a été commis dans l'État d'origine, quel que soit le lieu où le dommage est survenu ;

(k) le jugement porte sur la validité, l'interprétation, les effets, l'administration ou la modification d'un trust constitué volontairement et documenté par écrit, et :

(i) au moment de l'introduction de l'instance, l'État d'origine était désigné dans l'acte constitutif du trust comme étant un État dont les tribunaux sont appelés à trancher les litiges relatifs à ces questions ; ou

(ii) au moment de l'introduction de l'instance, l'État d'origine était désigné, de façon expresse ou implicite, dans l'acte constitutif du trust comme étant l'État dans lequel est situé le lieu principal d'administration du trust.

Le présent alinéa ne s'applique qu'aux jugements portant sur des aspects internes d'un trust entre personnes étant ou ayant été au sein de la relation établie par le trust ;

(l) le jugement porte sur une demande reconventionnelle :

(i) dans la mesure où il a été rendu en faveur du demandeur reconventionnel, à condition que cette demande résulte de la même transaction ou des mêmes faits que la demande principale ; ou

(ii) dans la mesure où il a été rendu contre le demandeur reconventionnel, sauf si le droit de l'État d'origine exigeait une demande reconventionnelle à peine de forclusion ;

(m) le jugement a été rendu par un tribunal désigné dans un accord conclu ou documenté par écrit ou par tout autre moyen de communication qui rende l'information accessible pour être consultée ultérieurement, autre qu'un accord exclusif d'élection de for.

Aux fins du présent alinéa, un « accord exclusif d'élection de for » est un accord conclu entre deux ou plusieurs parties qui désigne, pour connaître des litiges nés ou à naître à l'occasion d'un rapport de droit déterminé, soit les tribunaux d'un État, soit un ou plusieurs tribunaux particuliers d'un État, à l'exclusion de la compétence de tout autre tribunal.

2 Si la reconnaissance ou l'exécution est demandée contre une personne physique agissant principalement dans un but personnel, familial ou domestique (un consommateur) en matière de contrat de consommation, ou contre un employé relativement à son contrat de travail :

(a) l'alinéa (e) du paragraphe premier ne s'applique que si le consentement a été donné devant le tribunal, que ce soit oralement ou par écrit ;

(b) les alinéas (f), (g) et (m) du paragraphe premier ne s'appliquent pas.

3 Le paragraphe premier ne s'applique pas à un jugement portant sur un bail immobilier résidentiel (bail d'habitation) ou sur l'enregistrement d'un immeuble. Un tel jugement est susceptible d'être reconnu et exécuté uniquement s'il a été rendu par un tribunal de l'État où est situé l'immeuble.

Article 6

Fondement exclusif de la reconnaissance et de l'exécution

Nonobstant l'article 5, un jugement portant sur des droits réels immobiliers n'est reconnu ou exécuté que si l'immeuble est situé dans l'État d'origine.

Article 7

Refus de reconnaissance et d'exécution

1 La reconnaissance ou l'exécution peut être refusée si :

(a) l'acte introductif d'instance ou un acte équivalent contenant les éléments essentiels de la demande :

(i) n'a pas été notifié au défendeur en temps utile et de telle manière qu'il puisse organiser sa défense, à moins que le défendeur ait comparu et présenté sa défense sans contester la notification devant le tribunal d'origine, à condition que le droit de l'État d'origine permette de contester la notification ; ou

(ii) a été notifié au défendeur dans l'État requis de manière incompatible avec les principes fondamentaux de l'État requis relatifs à la notification de documents ;

(b) le jugement résulte d'une fraude ;

- (f) the defendant argued on the merits before the court of origin without contesting jurisdiction within the time-frame provided in the law of the State of origin, unless it is evident that an objection to jurisdiction or to the exercise of jurisdiction would not have succeeded under that law;
- (g) the judgment ruled on a contractual obligation and it was given by a court of the State in which performance of that obligation took place, or should have taken place, in accordance with
- (i) the agreement of the parties, or
 - (ii) the law applicable to the contract, in the absence of an agreed place of performance,
- unless the activities of the defendant in relation to the transaction clearly did not constitute a purposeful and substantial connection to that State;
- (h) the judgment ruled on a lease of immovable property (tenancy) and it was given by a court of the State in which the property is situated;
- (i) the judgment ruled against the defendant on a contractual obligation secured by a right *in rem* in immovable property located in the State of origin, if the contractual claim was brought together with a claim against the same defendant relating to that right *in rem*;
- (j) the judgment ruled on a non-contractual obligation arising from death, physical injury, damage to or loss of tangible property, and the act or omission directly causing such harm occurred in the State of origin, irrespective of where that harm occurred;
- (k) the judgment concerns the validity, construction, effects, administration or variation of a trust created voluntarily and evidenced in writing, and –
- (i) at the time the proceedings were instituted, the State of origin was designated in the trust instrument as a State in the courts of which disputes about such matters are to be determined; or
 - (ii) at the time the proceedings were instituted, the State of origin was expressly or impliedly designated in the trust instrument as the State in which the principal place of administration of the trust is situated.
- This sub-paragraph only applies to judgments regarding internal aspects of a trust between persons who are or were within the trust relationship;
- (l) the judgment ruled on a counterclaim –
- (i) to the extent that it was in favour of the counterclaimant, provided that the counterclaim arose out of the same transaction or occurrence as the claim; or
 - (ii) to the extent that it was against the counterclaimant, unless the law of the State of origin required the counterclaim to be filed in order to avoid preclusion;

- (m) the judgment was given by a court designated in an agreement concluded or documented in writing or by any other means of communication which renders information accessible so as to be usable for subsequent reference, other than an exclusive choice of court agreement.

For the purposes of this sub-paragraph, an “exclusive choice of court agreement” means an agreement concluded by two or more parties that designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, the courts of one State or one or more specific courts of one State to the exclusion of the jurisdiction of any other courts.

2 If recognition or enforcement is sought against a natural person acting primarily for personal, family or household purposes (a consumer) in matters relating to a consumer contract, or against an employee in matters relating to the employee’s contract of employment –

- (a) paragraph 1(e) applies only if the consent was addressed to the court, orally or in writing;
- (b) paragraph 1(f), (g) and (m) do not apply.

3 Paragraph 1 does not apply to a judgment that ruled on a residential lease of immovable property (tenancy) or ruled on the registration of immovable property. Such a judgment is eligible for recognition and enforcement only if it was given by a court of the State where the property is situated.

Article 6

Exclusive basis for recognition and enforcement

Notwithstanding Article 5, a judgment that ruled on rights *in rem* in immovable property shall be recognised and enforced if and only if the property is situated in the State of origin.

Article 7

Refusal of recognition and enforcement

1 Recognition or enforcement may be refused if –

- (a) the document which instituted the proceedings or an equivalent document, including a statement of the essential elements of the claim –
 - (i) was not notified to the defendant in sufficient time and in such a way as to enable them to arrange for their defence, unless the defendant entered an appearance and presented their case without contesting notification in the court of origin, provided that the law of the State of origin permitted notification to be contested; or
 - (ii) was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents;
- (b) the judgment was obtained by fraud;

- (c) la reconnaissance ou l'exécution est manifestement incompatible avec l'ordre public de l'État requis, notamment dans le cas où la procédure appliquée en l'espèce pour obtenir le jugement était incompatible avec les principes fondamentaux d'équité procédurale de cet État et en cas d'atteinte à la sécurité ou à la souveraineté de cet État ;
- (d) la procédure devant le tribunal d'origine était contraire à un accord, ou à une clause figurant dans l'acte constitutif d'un trust, en vertu duquel le litige en question devait être tranché par un tribunal d'un État autre que l'État d'origine ;
- (e) le jugement est incompatible avec un jugement rendu par un tribunal de l'État requis dans un litige entre les mêmes parties ; ou
- (f) le jugement est incompatible avec un jugement rendu antérieurement par un tribunal d'un autre État entre les mêmes parties dans un litige ayant le même objet, lorsque le jugement rendu antérieurement réunit les conditions nécessaires à sa reconnaissance dans l'État requis.

2 La reconnaissance ou l'exécution peut être différée ou refusée si une procédure ayant le même objet est pendante entre les mêmes parties devant un tribunal de l'État requis lorsque :

- (a) ce dernier a été saisi avant le tribunal de l'État d'origine ; et
- (b) il existe un lien étroit entre le litige et l'État requis.

Le refus visé au présent paragraphe n'empêche pas une demande ultérieure de reconnaissance ou d'exécution du jugement.

Article 8 *Questions préalables*

1 Une décision rendue à titre préalable sur une matière à laquelle la présente Convention ne s'applique pas, ou sur une matière visée à l'article 6 par un tribunal d'un État autre que l'État désigné dans cette disposition, n'est pas reconnue ou exécutée en vertu de la présente Convention.

2 La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, le jugement est fondé sur une décision relative à une matière à laquelle la présente Convention ne s'applique pas, ou sur une décision relative à une matière visée à l'article 6 qui a été rendue par un tribunal d'un État autre que l'État désigné dans cette disposition.

Article 9 *Divisibilité*

La reconnaissance ou l'exécution d'une partie dissociable d'un jugement est accordée si la reconnaissance ou l'exécution de cette partie est demandée ou si seule une partie du jugement peut être reconnue ou exécutée en vertu de la présente Convention.

Article 10 *Dommages et intérêts*

1 La reconnaissance ou l'exécution d'un jugement peut être refusée si, et dans la mesure où, le jugement accorde des dommages et intérêts, y compris des dommages et intérêts exemplaires ou punitifs, qui ne compensent pas une perte ou le préjudice réels subis.

2 Le tribunal requis prend en considération si, et dans quelle mesure, le montant accordé à titre de dommages et intérêts par le tribunal d'origine est destiné à couvrir les frais et dépens de la procédure.

Article 11 *Transactions judiciaires*

Les transactions judiciaires homologuées par un tribunal d'un État contractant, ou qui ont été conclues au cours d'une instance devant un tribunal d'un État contractant, et qui sont exécutoires au même titre qu'un jugement dans l'État d'origine, sont exécutées en vertu de la présente Convention aux mêmes conditions qu'un jugement.

Article 12 *Pièces à produire*

1 La partie qui requiert la reconnaissance ou qui demande l'exécution doit produire :

- (a) une copie complète et certifiée conforme du jugement ;
- (b) si le jugement a été rendu par défaut, l'original ou une copie certifiée conforme du document attestant que l'acte introductif d'instance ou un acte équivalent a été notifié à la partie défaillante ;
- (c) tout document nécessaire pour établir que le jugement produit ses effets dans l'État d'origine ou, le cas échéant, qu'il est exécutoire dans cet État ;
- (d) dans le cas prévu à l'article 11, un certificat délivré par un tribunal (y compris par une personne autorisée du tribunal) de l'État d'origine attestant que la transaction judiciaire est exécutoire, en tout ou en partie, aux mêmes conditions qu'un jugement dans l'État d'origine.

2 Si le contenu du jugement ne permet pas au tribunal requis de vérifier que les conditions du présent chapitre sont remplies, ce tribunal peut exiger tout document nécessaire.

3 Une demande de reconnaissance ou d'exécution peut être accompagnée d'un document relatif au jugement, délivré par un tribunal (y compris par une personne autorisée du tribunal) de l'État d'origine, sous la forme recommandée et publiée par la Conférence de La Haye de droit international privé.

4 Si les documents mentionnés dans le présent article ne sont pas rédigés dans une langue officielle de l'État requis, ils doivent être accompagnés d'une traduction certifiée dans une langue officielle, sauf si le droit de l'État requis en dispose autrement.

- (c) recognition or enforcement would be manifestly incompatible with the public policy of the requested State, including situations where the specific proceedings leading to the judgment were incompatible with fundamental principles of procedural fairness of that State and situations involving infringements of security or sovereignty of that State;
- (d) the proceedings in the court of origin were contrary to an agreement, or a designation in a trust instrument, under which the dispute in question was to be determined in a court of a State other than the State of origin;
- (e) the judgment is inconsistent with a judgment given by a court of the requested State in a dispute between the same parties; or
- (f) the judgment is inconsistent with an earlier judgment given by a court of another State between the same parties on the same subject matter, provided that the earlier judgment fulfils the conditions necessary for its recognition in the requested State.

2 Recognition or enforcement may be postponed or refused if proceedings between the same parties on the same subject matter are pending before a court of the requested State, where –

- (a) the court of the requested State was seised before the court of origin; and
- (b) there is a close connection between the dispute and the requested State.

A refusal under this paragraph does not prevent a subsequent application for recognition or enforcement of the judgment.

Article 8 Preliminary questions

1 A ruling on a preliminary question shall not be recognised or enforced under this Convention if the ruling is on a matter to which this Convention does not apply or on a matter referred to in Article 6 on which a court of a State other than the State referred to in that Article ruled.

2 Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment was based on a ruling on a matter to which this Convention does not apply, or on a matter referred to in Article 6 on which a court of a State other than the State referred to in that Article ruled.

Article 9 Severability

Recognition or enforcement of a severable part of a judgment shall be granted where recognition or enforcement of that part is applied for, or only part of the judgment is capable of being recognised or enforced under this Convention.

Article 10 Damages

1 Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment awards damages, including exemplary or punitive damages, that do not compensate a party for actual loss or harm suffered.

2 The court addressed shall take into account whether and to what extent the damages awarded by the court of origin serve to cover costs and expenses relating to the proceedings.

Article 11 Judicial settlements (transactions judiciaires)

Judicial settlements (*transactions judiciaires*) which a court of a Contracting State has approved, or which have been concluded in the course of proceedings before a court of a Contracting State, and which are enforceable in the same manner as a judgment in the State of origin, shall be enforced under this Convention in the same manner as a judgment.

Article 12 Documents to be produced

1 The party seeking recognition or applying for enforcement shall produce –

- (a) a complete and certified copy of the judgment;
- (b) if the judgment was given by default, the original or a certified copy of a document establishing that the document which instituted the proceedings or an equivalent document was notified to the defaulting party;
- (c) any documents necessary to establish that the judgment has effect or, where applicable, is enforceable in the State of origin;
- (d) in the case referred to in Article 11, a certificate of a court (including an officer of the court) of the State of origin stating that the judicial settlement or a part of it is enforceable in the same manner as a judgment in the State of origin.

2 If the terms of the judgment do not permit the court addressed to verify whether the conditions of this Chapter have been complied with, that court may require any necessary documents.

3 An application for recognition or enforcement may be accompanied by a document relating to the judgment, issued by a court (including an officer of the court) of the State of origin, in the form recommended and published by the Hague Conference on Private International Law.

4 If the documents referred to in this Article are not in an official language of the requested State, they shall be accompanied by a certified translation into an official language, unless the law of the requested State provides otherwise.

*Article 13
Procédure*

1 La procédure tendant à obtenir la reconnaissance, l'exécution ou l'enregistrement aux fins d'exécution, et l'exécution du jugement sont régies par le droit de l'État requis sauf si la présente Convention en dispose autrement. Le tribunal de l'État requis agit avec célérité.

2 Le tribunal de l'État requis ne peut refuser de reconnaître ou d'exécuter un jugement en vertu de la présente Convention au motif que la reconnaissance ou l'exécution devrait être requise dans un autre État.

*Article 14
Frais de procédure*

1 Aucune sûreté ou caution ni aucun dépôt, sous quelque dénomination que ce soit, ne peut être imposé en raison, soit de sa seule qualité d'étranger, soit du seul défaut de domicile ou de résidence dans l'État requis, à la partie qui demande l'exécution dans un État contractant d'une décision rendue par un tribunal d'un autre État contractant.

2 Toute condamnation aux frais et dépens de la procédure, rendue dans un État contractant contre toute personne dispensée du versement d'une sûreté, d'une caution ou d'un dépôt en vertu du paragraphe premier ou du droit de l'État dans lequel l'instance a été introduite est, à la demande du créancier, déclarée exécutoire dans tout autre État contractant.

3 Un État peut déclarer qu'il n'appliquera pas le paragraphe premier ou désigner dans une déclaration lesquels de ses tribunaux ne l'appliqueront pas.

*Article 15
Reconnaissance et exécution en application
du droit national*

Sous réserve de l'article 6, la présente Convention ne fait pas obstacle à la reconnaissance ou à l'exécution d'un jugement en application du droit national.

CHAPITRE III – CLAUSES GÉNÉRALES

*Article 16
Disposition transitoire*

La présente Convention s'applique à la reconnaissance et à l'exécution de jugements si, au moment de l'introduction de l'instance dans l'État d'origine, la Convention produisait des effets entre cet État et l'État requis.

*Article 17
Déclarations limitant la reconnaissance et l'exécution*

Un État peut déclarer que ses tribunaux peuvent refuser de reconnaître ou d'exécuter un jugement rendu par un tribunal d'un autre État contractant, lorsque les parties avaient leur résidence dans l'État requis et que les relations entre les parties, ainsi que tous les autres éléments pertinents du litige, autres que le lieu du tribunal d'origine, étaient liés uniquement à l'État requis.

*Article 18
Déclarations relatives à des matières particulières*

1 Lorsqu'un État a un intérêt important à ne pas appliquer la présente Convention à une matière particulière, il peut déclarer qu'il ne l'appliquera pas à cette matière. L'État qui fait une telle déclaration s'assure que la portée de celle-ci n'est pas plus étendue que nécessaire et que la matière particulière exclue est définie de façon claire et précise.

2 À l'égard d'une telle matière, la Convention ne s'applique pas :

- (a) dans l'État contractant ayant fait la déclaration ;
- (b) dans les autres États contractants, lorsque la reconnaissance ou l'exécution d'un jugement rendu par un tribunal d'un État contractant ayant fait la déclaration est demandée.

*Article 19
Déclarations relatives aux jugements
concernant un État*

1 Un État peut déclarer qu'il n'appliquera pas la présente Convention aux jugements issus de procédures auxquelles est partie :

- (a) cet État ou une personne physique agissant pour celui-ci ; ou
- (b) une agence gouvernementale de cet État ou toute personne physique agissant pour celle-ci.

L'État qui fait une telle déclaration s'assure que la portée de celle-ci n'est pas plus étendue que nécessaire et que l'exclusion du champ d'application y est définie de façon claire et précise. La déclaration ne peut pas faire de distinction selon que l'État, une agence gouvernementale de cet État ou une personne physique agissant pour l'un ou l'autre est le défendeur ou le demandeur à la procédure devant le tribunal d'origine.

2 La reconnaissance ou l'exécution d'un jugement rendu par un tribunal d'un État qui a fait une déclaration en vertu du paragraphe premier peut être refusée si le jugement est issu d'une procédure à laquelle est partie l'État qui a fait la déclaration ou l'État requis, l'une de leurs agences gouvernementales ou une personne physique agissant pour l'un d'entre eux, dans les limites prévues par cette déclaration.

*Article 20
Interprétation uniforme*

Aux fins de l'interprétation de la présente Convention, il sera tenu compte de son caractère international et de la nécessité de promouvoir l'uniformité de son application.

*Article 21
Examen du fonctionnement de la Convention*

Le Secrétaire général de la Conférence de La Haye de droit international privé prend périodiquement des dispositions en vue de l'examen du fonctionnement de la présente Convention, y compris de toute déclaration, et en fait rapport au Conseil sur les affaires générales et la politique.

*Article 13
Procedure*

1 The procedure for recognition, declaration of enforceability or registration for enforcement, and the enforcement of the judgment, are governed by the law of the requested State unless this Convention provides otherwise. The court of the requested State shall act expeditiously.

2 The court of the requested State shall not refuse the recognition or enforcement of a judgment under this Convention on the ground that recognition or enforcement should be sought in another State.

*Article 14
Costs of proceedings*

1 No security, bond or deposit, however described, shall be required from a party who in one Contracting State applies for enforcement of a judgment given by a court of another Contracting State on the sole ground that such party is a foreign national or is not domiciled or resident in the State in which enforcement is sought.

2 An order for payment of costs or expenses of proceedings, made in a Contracting State against any person exempt from requirements as to security, bond, or deposit by virtue of paragraph 1 or of the law of the State where proceedings have been instituted, shall, on the application of the person entitled to the benefit of the order, be rendered enforceable in any other Contracting State.

3 A State may declare that it shall not apply paragraph 1 or designate by a declaration which of its courts shall not apply paragraph 1.

*Article 15
Recognition and enforcement under national law*

Subject to Article 6, this Convention does not prevent the recognition or enforcement of judgments under national law.

CHAPTER III – GENERAL CLAUSES

*Article 16
Transitional provision*

This Convention shall apply to the recognition and enforcement of judgments if, at the time the proceedings were instituted in the State of origin, the Convention had effect between that State and the requested State.

*Article 17
Declarations limiting recognition and enforcement*

A State may declare that its courts may refuse to recognise or enforce a judgment given by a court of another Contracting State if the parties were resident in the requested State, and the relationship of the parties and all other elements relevant to the dispute, other than the location of the court of origin, were connected only with the requested State.

*Article 18
Declarations with respect to specific matters*

1 Where a State has a strong interest in not applying this Convention to a specific matter, that State may declare that it will not apply the Convention to that matter. The State making such a declaration shall ensure that the declaration is no broader than necessary and that the specific matter excluded is clearly and precisely defined.

2 With regard to that matter, the Convention shall not apply –

- (a) in the Contracting State that made the declaration;
- (b) in other Contracting States, where recognition or enforcement of a judgment given by a court of a Contracting State that made the declaration is sought.

*Article 19
Declarations with respect to judgments
pertaining to a State*

1 A State may declare that it shall not apply this Convention to judgments arising from proceedings to which any of the following is a party –

- (a) that State, or a natural person acting for that State; or
- (b) a government agency of that State, or a natural person acting for such a government agency.

The State making such a declaration shall ensure that the declaration is no broader than necessary and that the exclusion from scope is clearly and precisely defined. The declaration shall not distinguish between judgments where the State, a government agency of that State or a natural person acting for either of them is a defendant or claimant in the proceedings before the court of origin.

2 Recognition or enforcement of a judgment given by a court of a State that made a declaration pursuant to paragraph 1 may be refused if the judgment arose from proceedings to which either the State that made the declaration or the requested State, one of their government agencies or a natural person acting for either of them is a party, to the same extent as specified in the declaration.

*Article 20
Uniform interpretation*

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

*Article 21
Review of operation of the Convention*

The Secretary General of the Hague Conference on Private International Law shall at regular intervals make arrangements for review of the operation of this Convention, including any declarations, and shall report to the Council on General Affairs and Policy.

Article 22
Systèmes juridiques non unifiés

1 Au regard d'un État contractant dans lequel deux ou plusieurs systèmes de droit ayant trait aux questions régies par la présente Convention s'appliquent dans des unités territoriales différentes :

- (a) toute référence à la loi, au droit ou à la procédure d'un État vise, le cas échéant, la loi, le droit ou la procédure en vigueur dans l'unité territoriale considérée ;
- (b) toute référence au tribunal ou aux tribunaux d'un État vise, le cas échéant, le tribunal ou les tribunaux de l'unité territoriale considérée ;
- (c) toute référence au lien avec un État vise, le cas échéant, le lien avec l'unité territoriale considérée ;
- (d) toute référence à un facteur de rattachement à l'égard d'un État vise, le cas échéant, ce facteur de rattachement à l'égard de l'unité territoriale considérée.

2 Nonobstant le paragraphe premier, un État contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent n'est pas tenu d'appliquer la présente Convention aux situations qui impliquent uniquement ces différentes unités territoriales.

3 Un tribunal d'une unité territoriale d'un État contractant qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent n'est pas tenu de reconnaître ou d'exécuter un jugement d'un autre État contractant au seul motif que le jugement a été reconnu ou exécuté dans une autre unité territoriale du même État contractant selon la présente Convention.

4 Le présent article ne s'applique pas aux Organisations régionales d'intégration économique.

Article 23
Rapport avec d'autres instruments internationaux

1 La présente Convention doit être interprétée de façon qu'elle soit, autant que possible, compatible avec d'autres traités en vigueur pour les États contractants, conclus avant ou après cette Convention.

2 La présente Convention n'affecte pas l'application par un État contractant d'un traité conclu avant cette Convention.

3 La présente Convention n'affecte pas l'application par un État contractant d'un traité conclu après cette Convention en ce qui a trait à la reconnaissance ou à l'exécution d'un jugement rendu par un tribunal d'un État contractant qui est également Partie à ce traité. Aucune disposition de l'autre traité n'affecte les obligations prévues à l'article 6 à l'égard des États contractants qui ne sont pas Parties à ce traité.

4 La présente Convention n'affecte pas l'application des règles d'une Organisation régionale d'intégration économique Partie à cette Convention en ce qui a trait à la reconnaissance ou à l'exécution d'un jugement rendu par un tribunal d'un État contractant qui est également un État mem-

bre de l'Organisation régionale d'intégration économique lorsque :

- (a) ces règles ont été adoptées avant la conclusion de la présente Convention ; ou
- (b) ces règles ont été adoptées après la conclusion de la présente Convention, dans la mesure où elles n'affectent pas les obligations prévues à l'article 6 à l'égard des États contractants qui ne sont pas des États membres de l'Organisation régionale d'intégration économique.

CHAPITRE IV – CLAUSES FINALES

Article 24
Signature, ratification, acceptation,
approbation ou adhésion

1 La présente Convention est ouverte à la signature de tous les États.

2 La présente Convention est sujette à la ratification, à l'acceptation ou à l'approbation par les États signataires.

3 Tout État peut adhérer à la présente Convention.

4 Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion sont déposés auprès du ministère des Affaires étrangères du Royaume des Pays-Bas, dépositaire de la Convention.

Article 25
Déclarations relatives aux systèmes juridiques non unifiés

1 Un État qui comprend deux ou plusieurs unités territoriales dans lesquelles des systèmes de droit différents s'appliquent aux matières régies par la présente Convention peut déclarer que la Convention s'appliquera à toutes ses unités territoriales ou seulement à l'une ou à plusieurs d'entre elles. La déclaration indique expressément les unités territoriales auxquelles la Convention s'applique.

2 Si un État ne fait pas de déclaration en vertu du présent article, la Convention s'applique à l'ensemble du territoire de cet État.

3 Le présent article ne s'applique pas aux Organisations régionales d'intégration économique.

Article 26
Organisations régionales d'intégration économique

1 Une Organisation régionale d'intégration économique constituée seulement par des États souverains et ayant compétence sur certaines ou toutes les matières régies par la présente Convention peut signer, accepter ou approuver cette Convention ou y adhérer. En pareil cas, l'Organisation régionale d'intégration économique aura les mêmes droits et obligations qu'un État contractant, dans la mesure où cette Organisation a compétence sur des matières régies par la présente Convention.

2 Au moment de la signature, de l'acceptation, de l'approbation ou de l'adhésion, l'Organisation régionale d'inté-

Article 22
Non-unified legal systems

1 In relation to a Contracting State in which two or more systems of law apply in different territorial units with regard to any matter dealt with in this Convention –

- (a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
- (b) any reference to the court or courts of a State shall be construed as referring, where appropriate, to the court or courts in the relevant territorial unit;
- (c) any reference to a connection with a State shall be construed as referring, where appropriate, to a connection with the relevant territorial unit;
- (d) any reference to a connecting factor in relation to a State shall be construed as referring, where appropriate, to that connecting factor in relation to the relevant territorial unit.

2 Notwithstanding paragraph 1, a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.

3 A court in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a judgment from another Contracting State solely because the judgment has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.

4 This Article shall not apply to Regional Economic Integration Organisations.

Article 23
Relationship with other international instruments

1 This Convention shall be interpreted so far as possible to be compatible with other treaties in force for Contracting States, whether concluded before or after this Convention.

2 This Convention shall not affect the application by a Contracting State of a treaty that was concluded before this Convention.

3 This Convention shall not affect the application by a Contracting State of a treaty concluded after this Convention as concerns the recognition or enforcement of a judgment given by a court of a Contracting State that is also a Party to that treaty. Nothing in the other treaty shall affect the obligations under Article 6 towards Contracting States that are not Parties to that treaty.

4 This Convention shall not affect the application of the rules of a Regional Economic Integration Organisation that is a Party to this Convention as concerns the recognition or enforcement of a judgment given by a court of a Contracting

State that is also a Member State of the Regional Economic Integration Organisation where –

- (a) the rules were adopted before this Convention was concluded; or
- (b) the rules were adopted after this Convention was concluded, to the extent that they do not affect the obligations under Article 6 towards Contracting States that are not Member States of the Regional Economic Integration Organisation.

CHAPTER IV – FINAL CLAUSES

Article 24
Signature, ratification, acceptance,
approval or accession

1 This Convention shall be open for signature by all States.

2 This Convention is subject to ratification, acceptance or approval by the signatory States.

3 This Convention shall be open for accession by all States.

4 Instruments of ratification, acceptance, approval or accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 25
Declarations with respect to non-unified legal systems

1 If a State has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Convention, it may declare that the Convention shall extend to all its territorial units or only to one or more of them. Such a declaration shall state expressly the territorial units to which the Convention applies.

2 If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.

3 This Article shall not apply to Regional Economic Integration Organisations.

Article 26
Regional Economic Integration Organisations

1 A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by this Convention.

2 The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession,

gration économique notifiée au dépositaire, par écrit, les matières régies par la présente Convention pour lesquelles ses États membres lui ont transféré leur compétence. L'Organisation notifie aussitôt au dépositaire, par écrit, toute modification intervenue dans la délégation de compétence précisée dans la notification la plus récente faite en vertu du présent paragraphe.

3 Aux fins de l'entrée en vigueur de la présente Convention, tout instrument déposé par une Organisation régionale d'intégration économique n'est pas compté, à moins que l'Organisation régionale d'intégration économique déclare, en vertu de l'article 27(1), que ses États membres ne seront pas Parties à cette Convention.

4 Toute référence à un « État contractant » ou à un « État » dans la présente Convention s'applique également, le cas échéant, à une Organisation régionale d'intégration économique.

Article 27

Organisation régionale d'intégration économique en tant que Partie contractante sans ses États membres

1 Au moment de la signature, de l'acceptation, de l'approbation ou de l'adhésion, une Organisation régionale d'intégration économique peut déclarer qu'elle a compétence pour toutes les matières régies par la présente Convention et que ses États membres ne seront pas Parties à cette Convention mais seront liés par celle-ci en raison de la signature, de l'acceptation, de l'approbation ou de l'adhésion de l'Organisation.

2 Lorsqu'une déclaration est faite par une Organisation régionale d'intégration économique en conformité avec le paragraphe premier, toute référence à un « État contractant » ou à un « État » dans la présente Convention s'applique également, le cas échéant, aux États membres de l'Organisation.

Article 28

Entrée en vigueur

1 La présente Convention entre en vigueur le premier jour du mois suivant l'expiration de la période pendant laquelle une notification peut être faite en vertu de l'article 29(2) à l'égard du deuxième État qui a déposé son instrument de ratification, d'acceptation, d'approbation ou d'adhésion visé à l'article 24.

2 Par la suite, la présente Convention entre en vigueur :

- (a) pour chaque État la ratifiant, l'acceptant, l'approuvant ou y adhérant postérieurement, le premier jour du mois suivant l'expiration de la période pendant laquelle des notifications peuvent être faites en vertu de l'article 29(2) à l'égard de cet État ;
- (b) pour une unité territoriale à laquelle la présente Convention a été étendue conformément à l'article 25 après l'entrée en vigueur de la Convention pour l'État qui fait la déclaration, le premier jour du mois suivant l'expiration d'une période de trois mois après la notification de la déclaration visée par ledit article.

Article 29

Établissement de relations en vertu de la Convention

1 La présente Convention ne produit des effets entre deux États contractants que si aucun d'entre eux n'a transmis de notification au dépositaire à l'égard de l'autre conformément aux paragraphes 2 ou 3. En l'absence d'une telle notification, la Convention produit des effets entre deux États contractants dès le premier jour du mois suivant l'expiration de la période pendant laquelle les notifications peuvent être faites.

2 Un État contractant peut notifier au dépositaire, dans les 12 mois suivant la date de la notification par le dépositaire visée à l'article 32(a), que la ratification, l'acceptation, l'approbation ou l'adhésion d'un autre État n'aura pas pour effet d'établir des relations entre ces deux États en vertu de la présente Convention.

3 Un État peut notifier au dépositaire, lors du dépôt de son instrument en vertu de l'article 24(4), que sa ratification, son acceptation, son approbation ou son adhésion n'aura pas pour effet d'établir des relations avec un État contractant en vertu de la présente Convention.

4 Un État contractant peut à tout moment retirer une notification qu'il a faite en vertu des paragraphes 2 ou 3. Ce retrait prendra effet le premier jour du mois suivant l'expiration d'une période de trois mois à compter de la date de notification.

Article 30

Déclarations

1 Les déclarations visées aux articles 14, 17, 18, 19 et 25 peuvent être faites lors de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion ou à tout moment ultérieur et être modifiées ou retirées à tout moment.

2 Les déclarations, modifications et retraits sont notifiés au dépositaire.

3 Une déclaration faite au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion prend effet au moment de l'entrée en vigueur de la présente Convention pour l'État concerné.

4 Une déclaration faite ultérieurement, ainsi que toute modification ou tout retrait d'une déclaration, prend effet le premier jour du mois suivant l'expiration d'une période de trois mois après la date de réception de la notification par le dépositaire.

5 Une déclaration faite ultérieurement, ainsi que toute modification ou tout retrait d'une déclaration, ne produit pas d'effet à l'égard des jugements rendus à l'issue d'instances déjà introduites devant le tribunal d'origine au moment où la déclaration prend effet.

Article 31

Dénonciation

1 Tout État contractant peut dénoncer la présente Convention par une notification écrite au dépositaire. La dénonciation peut se limiter à certaines unités territoriales d'un système juridique non unifié auxquelles s'applique la présente Convention.

notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.

3 For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation declares in accordance with Article 27(1) that its Member States will not be Parties to this Convention.

4 Any reference to a “Contracting State” or “State” in this Convention shall apply equally, where appropriate, to a Regional Economic Integration Organisation.

Article 27

Regional Economic Integration Organisation as a Contracting Party without its Member States

1 At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare that it exercises competence over all the matters governed by this Convention and that its Member States will not be Parties to this Convention but shall be bound by virtue of the signature, acceptance, approval or accession of the Organisation.

2 In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 1, any reference to a “Contracting State” or “State” in this Convention shall apply equally, where appropriate, to the Member States of the Organisation.

Article 28

Entry into force

1 This Convention shall enter into force on the first day of the month following the expiration of the period during which a notification may be made in accordance with Article 29(2) with respect to the second State that has deposited its instrument of ratification, acceptance, approval or accession referred to in Article 24.

2 Thereafter this Convention shall enter into force –

- (a) for each State subsequently ratifying, accepting, approving or acceding to it, on the first day of the month following the expiration of the period during which notifications may be made in accordance with Article 29(2) with respect to that State;
- (b) for a territorial unit to which this Convention has been extended in accordance with Article 25 after the Convention has entered into force for the State making the declaration, on the first day of the month following the expiration of three months after the notification of the declaration referred to in that Article.

Article 29

Establishment of relations pursuant to the Convention

1 This Convention shall have effect between two Contracting States only if neither of them has notified the depositary regarding the other in accordance with paragraph 2 or 3. In the absence of such a notification, the Convention has effect between two Contracting States from the first day of the month following the expiration of the period during which notifications may be made.

2 A Contracting State may notify the depositary, within 12 months after the date of the notification by the depositary referred to in Article 32(a), that the ratification, acceptance, approval or accession of another State shall not have the effect of establishing relations between the two States pursuant to this Convention.

3 A State may notify the depositary, upon the deposit of its instrument pursuant to Article 24(4), that its ratification, acceptance, approval or accession shall not have the effect of establishing relations with a Contracting State pursuant to this Convention.

4 A Contracting State may at any time withdraw a notification that it has made under paragraph 2 or 3. Such a withdrawal shall take effect on the first day of the month following the expiration of three months following the date of notification.

Article 30

Declarations

1 Declarations referred to in Articles 14, 17, 18, 19 and 25 may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.

2 Declarations, modifications and withdrawals shall be notified to the depositary.

3 A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.

4 A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months following the date on which the notification is received by the depositary.

5 A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall not apply to judgments resulting from proceedings that have already been instituted before the court of origin when the declaration takes effect.

Article 31

Denunciation

1 A Contracting State to this Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.

2 La dénonciation prend effet le premier jour du mois suivant l'expiration d'une période de 12 mois après la date de réception de la notification par le depositaire. Lorsqu'une période plus longue pour la prise d'effet de la dénonciation est précisée dans la notification, la dénonciation prend effet à l'expiration de la période en question après la date de réception de la notification par le depositaire.

Article 32
Notifications par le depositaire

Le depositaire notifie aux Membres de la Conférence de La Haye de droit international privé, ainsi qu'aux autres États et aux Organisations régionales d'intégration économique qui ont signé, ratifié, accepté ou approuvé la présente Convention ou qui y ont adhéré conformément aux articles 24, 26 et 27 les renseignements suivants :

- (a) les signatures, ratifications, acceptations, approbations et adhésions prévues aux articles 24, 26 et 27 ;
- (b) la date d'entrée en vigueur de la présente Convention conformément à l'article 28 ;
- (c) les notifications, déclarations, modifications et retraits prévus aux articles 26, 27, 29 et 30 ; et
- (d) les dénonciations prévues à l'article 31.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le 2 juillet 2019, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement du Royaume des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des Membres de la Conférence de La Haye de droit international privé lors de sa Vingt-deuxième session ainsi qu'à chacun des autres États ayant participé à cette Session.

2 The denunciation shall take effect on the first day of the month following the expiration of 12 months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

Article 32
Notifications by the depositary

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded to this Convention in accordance with Articles 24, 26 and 27 of the following –

- (a) the signatures, ratifications, acceptances, approvals and accessions referred to in Articles 24, 26 and 27;
- (b) the date on which this Convention enters into force in accordance with Article 28;
- (c) the notifications, declarations, modifications and withdrawals referred to in Articles 26, 27, 29 and 30; and
- (d) the denunciations referred to in Article 31.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the 2nd day of July 2019, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Members of the Hague Conference on Private International Law at the time of its Twenty-Second Session and to each of the other States which have participated in that Session.

B Les décisions et considérations suivantes :

La Vingt-deuxième session,

1 Confie au Bureau Permanent le mandat de réviser, en consultation avec les Membres, le projet de Formulaire recommandé en vertu de la Convention sur la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale, en vue de soumettre pour approbation le projet révisé de Formulaire recommandé au Conseil sur les affaires générales et la politique de 2020.

2 Rappelant le Plan stratégique adopté par le Conseil sur les affaires générales et la politique en 2019, poursuivant l'universalité et l'intégration en tant qu'éléments des priorités stratégiques opérationnelles de la HCCH, et

Au vu de l'importance d'une diffusion aussi large que possible de la Convention,

Encourage les Membres intéressés de la HCCH à collaborer, en coordination avec le Bureau Permanent, à la production de traductions de la Convention dans d'autres langues, notamment les langues officielles communes à plus d'un Membre, en vue de promouvoir la Convention et sa compréhension, de faciliter les ratifications, approbations et adhésions et de soutenir sa mise en œuvre et son application. La Session s'est félicitée de la volonté des Membres hispanophones de collaborer à l'élaboration d'un texte espagnol commun de la Convention.

3 Invite le Conseil sur les affaires générales et la politique à examiner, lors de sa réunion de 2020, s'il souhaite, le cas échéant, que la HCCH entreprenne davantage de travaux sur l'intersection entre le droit international privé et la propriété intellectuelle.

B The following decisions and considerations –

The Twenty-Second Session,

1 Mandates the Permanent Bureau to revise, in consultation with Members, the draft Recommended Form under the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, with a view to submitting the revised draft Recommended Form for approval to the Council on General Affairs and Policy in March 2020.

2 Recalling the Strategic Plan adopted by the Council on General Affairs and Policy in 2019, seeking universality and inclusiveness as parts of the operational strategic priorities of the HCCH, and

Having regard to the importance of the widest possible dissemination of the Convention,

Encourages interested Members of the HCCH to collaborate, in co-ordination with the Permanent Bureau, towards the production of translations of the Convention into other languages, in particular official languages common to more than one Member, with a view to promoting the Convention and its understanding, facilitating ratifications, approvals and accessions, and supporting its implementation and application. The Session welcomed the willingness of the Spanish-speaking Members to collaborate on the development of a common Spanish text of the Convention.

3 Invites the Council on General Affairs and Policy to consider, at its 2020 meeting, what, if any, further work it wishes the HCCH to undertake on the intersection between private international law and intellectual property.

Fait à La Haye, le 2 juillet 2019, en un seul exemplaire qui sera déposé dans les archives du Bureau Permanent et dont une copie certifiée conforme sera remise à chacun des Gouvernements représentés à la Vingt-deuxième session de la Conférence.

Done at The Hague on 2 July 2019, in a single copy which shall be deposited in the archives of the Permanent Bureau, and of which a certified copy shall be sent to each of the Governments represented at the Twenty-Second Session of the Conference.

*Pour la République d'Afrique du Sud,
For the Republic of South Africa,*



*Pour la République d'Albanie,
For the Republic of Albania,*

*Pour le Royaume d'Arabie saoudite,
For the Kingdom of Saudi Arabia,*



*Pour la République argentine,
For the Argentine Republic,*




*Pour l'Australie,
For Australia,*







*Pour la République de Bélarus,
For the Republic of Belarus,*

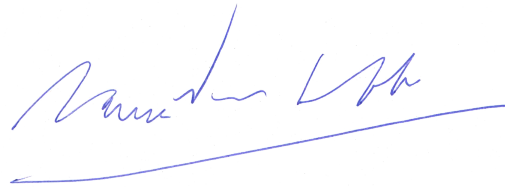
*Pour la République fédérative du Brésil,
For the Federative Republic of Brazil,*

Regina M. G. Dunlop
Boni de M. Soares
André de Carvalho Ramalho
Inez Lopes Matos C de Farias
Aldemir Amador Tiliu 
Luiz Otávio Ortega

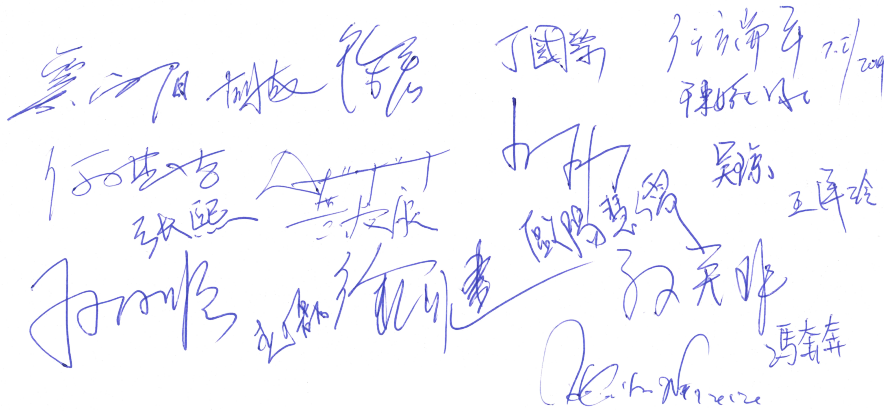
*Pour le Canada,
For Canada,*




Suzanne Samuël 

Pour la République du Chili,
For the Republic of Chile,



Pour la République populaire de Chine,
For the People's Republic of China,



Pour la République de Corée,
For the Republic of Korea,

이 유영 장 준혁 이 흥 신
이 필복 김 현 함주희



*Pour la République du Costa Rica,
For the Republic of Costa Rica,*

Dilam Altinok, D.M.S


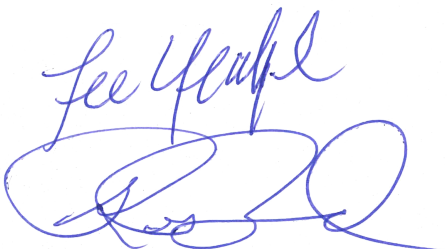
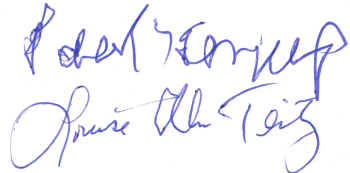

*Pour le Royaume du Danemark,
For the Kingdom of Denmark,*

*Pour la République arabe d'Égypte,
For the Arab Republic of Egypt,*


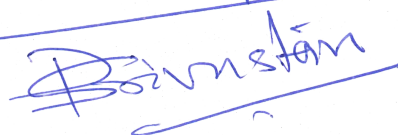

*Pour la République de l'Équateur,
For the Republic of Ecuador,*

Fernando Bucheli 
Fernando Echeverría 

*Pour les États-Unis d'Amérique,
For the United States of America,*

Michael Katz  Lee Yeap 
Robert Kennedy 
Spencer H. Teitz 

*Pour la République de l'Inde,
For the Republic of India,*

Venkaiah Reddy 
Pravin Kumar 
Pravin Kumar 

*Pour l'État d'Israël,
For the State of Israel,*

Yael Weiner
Hila Stern, Dore
Itai Apter

Mertal Nirit

*Pour le Japon,
For Japan,*

山下 裕介

*Pour le Royaume hachémite de Jordanie,
For the Hashemite Kingdom of Jordan,*

*Pour la République du Kazakhstan,
For the Republic of Kazakhstan,*

A handwritten signature in blue ink, consisting of several loops and flourishes, positioned centrally on the page.

*Pour le Royaume du Maroc,
For the Kingdom of Morocco,*

*Pour les États-Unis du Mexique,
For the United Mexican States,*

*Pour la République de Moldova,
For the Republic of Moldova,*

*Pour le Royaume de Norvège,
For the Kingdom of Norway,*

Taire Merich

*Pour la Nouvelle-Zélande,
For New Zealand,*

Erni Mornin
David Goddard (Chair of the
Tajts Commission)

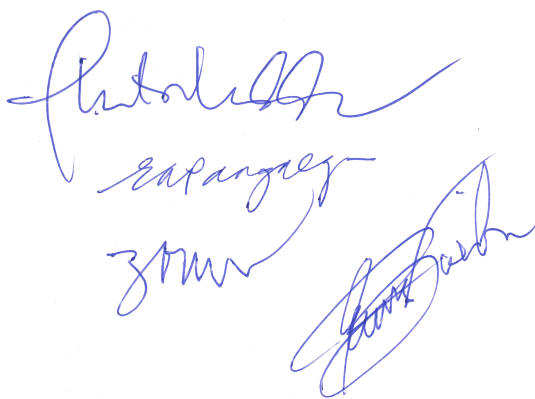
*Pour la République du Paraguay,
For the Republic of Paraguay,*

A handwritten signature in blue ink, consisting of a large, sweeping initial 'P' followed by a series of loops and a long horizontal stroke extending to the right.

*Pour la République du Pérou,
For the Republic of Peru,*

Two handwritten signatures in blue ink. The first is a large, stylized 'P' with a long horizontal stroke. The second is a smaller, more compact signature with a similar style.

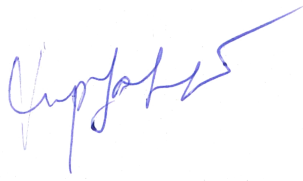
*Pour la République des Philippines,
For the Republic of the Philippines,*

A handwritten signature in blue ink, featuring a large, stylized initial 'P' followed by the word 'Español' and 'Zona' written in a cursive script. A second, smaller signature is written below and to the right.

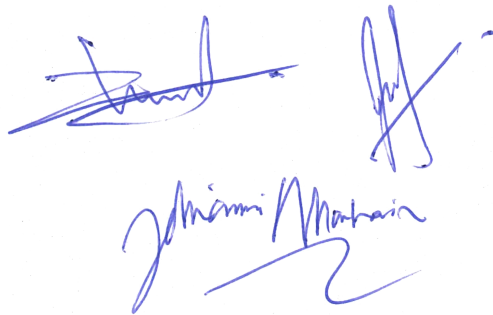
*Pour la Fédération de Russie,
For the Russian Federation,*



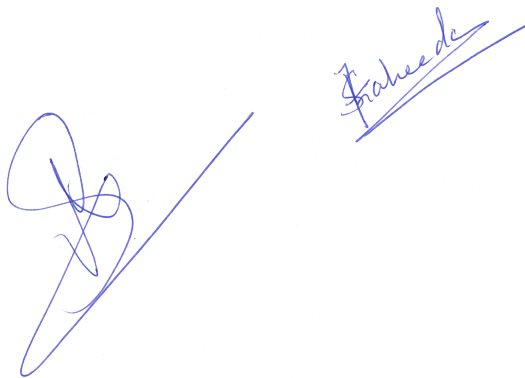
*Pour la République de Serbie,
For the Republic of Serbia,*



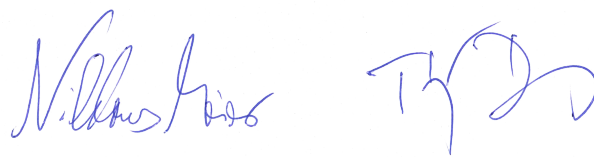
*Pour la République de Singapour,
For the Republic of Singapore,*



*Pour la République socialiste démocratique de Sri Lanka,
For the Democratic Socialist Republic of Sri Lanka,*



*Pour la Confédération suisse,
For the Swiss Confederation,*



*Pour la République tunisienne,
For the Republic of Tunisia,*

*Pour la République turque,
For the Republic of Turkey,*

Abdülkadir Gülcan
Yılmaz

*Pour l'Ukraine,
For Ukraine,*

Vsevolod Chentsov

*Pour l'Union européenne,
For the European Union,*

Paul R. Beaumont
Ataman
Spivak
Vysotskiy

*Pour la République fédérale d'Allemagne,
For the Federal Republic of Germany,*

Joachim Tiedt

Paula Schmidt

*Pour la République d'Autriche,
For the Republic of Austria,*

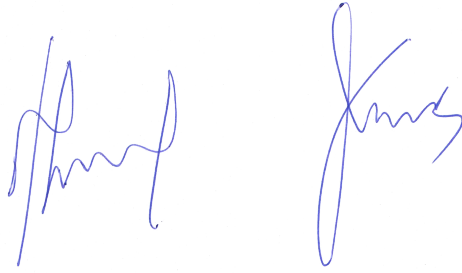
Alfred Gusenbauer

*Pour le Royaume de Belgique,
For the Kingdom of Belgium,*

Philippe Van Parijs

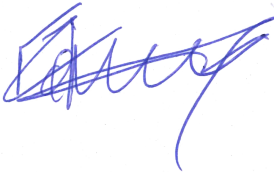
Luc Van den Broek

*Pour la République de Bulgarie,
For the Republic of Bulgaria,*

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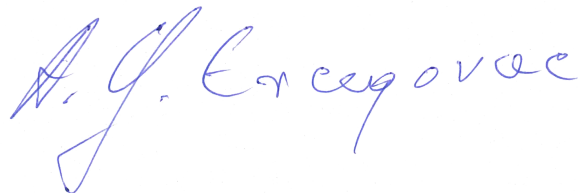
*Pour la République de Chypre,
For the Republic of Cyprus,*

Symeon Symeonides

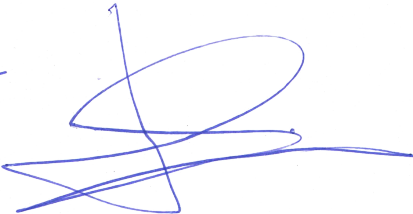
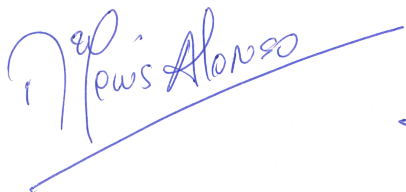
A handwritten signature in blue ink, appearing to be 'Symeon Symeonides', written below the printed name.

*Pour la République de Croatie,
For the Republic of Croatia,*

A. G. Ercegovic

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*Pour le Royaume d'Espagne,
For the Kingdom of Spain,*



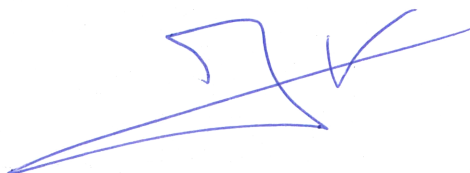
*Pour la République d'Estonie,
For the Republic of Estonia,*



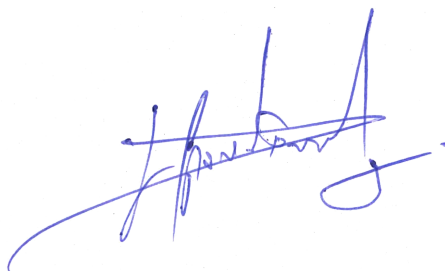
*Pour la République de Finlande,
For the Republic of Finland,*



*Pour la République française,
For the French Republic,*



*Pour la République hellénique,
For the Hellenic Republic,*



*Pour la Hongrie,
For Hungary,*

Neuwirth Zoltán
Minister

*Pour l'Irlande,
For Ireland,*

Niall Poore

*Pour la République italienne,
For the Republic of Italy,*

Renzo Ceccarelli
Antonio Costa

*Pour la République de Lettonie,
For the Republic of Latvia,*

Mārtiņš Pūberis
Jveta Gedere

*Pour la République de Lituanie,
For the Republic of Lithuania,*

S. Stelencienė

*Pour le Grand-Duché du Luxembourg,
For the Grand Duchy of Luxembourg,*

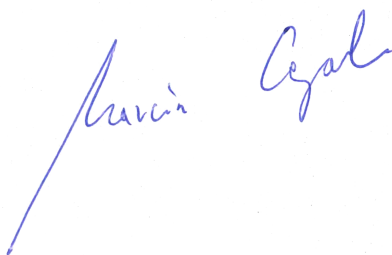


*Pour la République de Malte,
For the Republic of Malta,*

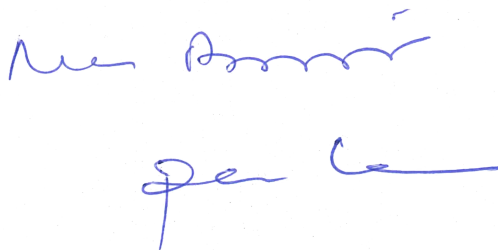
*Pour le Royaume des Pays-Bas,
For the Kingdom of the Netherlands,*

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*Pour la République de Pologne,
For the Republic of Poland,*

A handwritten signature in blue ink, appearing to be "Marcin Cygan" written in a cursive style.

*Pour la République portugaise,
For the Portuguese Republic,*

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*Pour la République tchèque,
For the Czech Republic,*

*Petr Fiala
Jan Vondra*

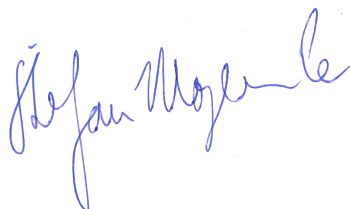
*Pour la Roumanie,
For Romania,*

*Grădinaru Tudor
Alai* *Mugaburu
Rădulescu
Rădulescu*

*Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,
For the United Kingdom of Great Britain and Northern Ireland,*

*Ed Burgess
Alan Mill
Ed Hill*

*Pour la République slovaque,
For the Slovak Republic,*

A handwritten signature in blue ink, appearing to read 'Stefan Mogyorósi'.

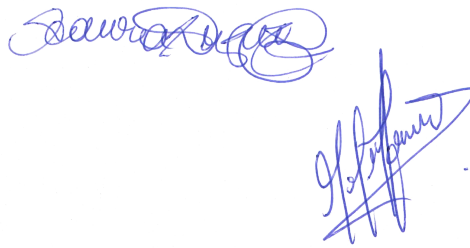
*Pour la République de Slovénie,
For the Republic of Slovenia,*

A stylized handwritten signature in blue ink, possibly representing the name 'Slovenija'.

*Pour le Royaume de Suède,
For the Kingdom of Sweden,*

A handwritten signature in blue ink, possibly representing the name 'Jens Holm'.

*Pour la République orientale de l'Uruguay,
For the Eastern Republic of Uruguay,*

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*Pour la République socialiste du Vietnam,
For the Socialist Republic of Vietnam,*

*Pour la République de Zambie,
For the Republic of Zambia,*

*Le Secrétaire général,
The Secretary General,*

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Vingt-deuxième session
Twenty-Second Session

Matières diverses

Miscellaneous matters

Note du Bureau Permanent

Notice by the Permanent Bureau

Conformément à une pratique qui a pris naissance lors de la Session extraordinaire de 1966, les interventions ont été résumées dans la langue, anglaise ou française, utilisée par les orateurs. De même, les Propositions de travail sont reproduits dans la langue utilisée par leur auteur, le Bureau Permanent ne pouvant assurer la traduction des documents produits par les délégations. Sont toutefois diffusés dans les deux langues les documents produits par le Bureau Permanent.

In accordance with a practice which began during the Extraordinary Session of 1966, the speakers' remarks have been summarised in the languages which they have employed, respectively English or French. Working Proposals are reproduced only in the languages employed by their authors, since the Permanent Bureau has no translation service. However, documents emanating from the Permanent Bureau have been distributed in both languages.

Procès-verbaux
de la Deuxième commission

Minutes
of the Second Commission

Procès-verbal No 1

Minutes No 1

Séance du vendredi 21 juin 2019 (matin)

Meeting of Friday 21 June 2019 (morning)

1. La séance est ouverte à 11 h 45 sous la présidence de **M. Andrew Walter (Australie)**.

2. **The Chair** recalled that there were a number of ideas for how to proceed with work on intellectual property. There was the Russian proposal of developing a separate protocol, and the Secretary General's approach of asking Council to consider in March 2020 whether to convene an Experts' Group. The Chair opened the floor for discussion of preferences between the options or any other proposals as to how to proceed.

3. **A delegate from Brazil** expressed that Brazil had a history of full engagement on issues of intellectual property rights. His delegation had felt the need to cooperate on this issue in order to facilitate a solution that would be acceptable for all Members. He recalled that three years prior, Brazil had worked to build a common proposal with Israel, and that they were still working to find a middle ground between the differing views that have persisted. At this stage, in the Commission on General Affairs and Policy, he saw the opportunity to deal with this in a different way. He flagged that this was beyond the instructions of delegations and their information from stakeholders. He emphasised this was a serious decision; though at this stage it might only be a recommendation to the Council on General Affairs and Policy, he was concerned that it would be difficult not to follow a recommendation arising from a Diplomatic Session and to possibly reach a different decision. Based on the history of the HCCH, the delegate suggested that it could be agreed that there could not be three or four instruments in parallel discussion; it was better to be involved in constructive negotiation of one new global instrument. He stated that as there were no clear instructions, Brazil would reserve its position at that time. He encouraged other Members to consider the significance of making any decision at that time.

4. **The Chair** asked whether Brazil had an opinion on whether to turn over the question to the Council on General Affairs and Policy in March 2020.

5. **The delegate from Brazil** confirmed that this was part of his concern, as even making that recommendation would be a serious decision. Indeed, this had been the approach to which he was referring. **The Chair** thanked the delegate for that clarification.

6. **A delegate from Canada** expressed that Canada was open to considering other options, but in relation to those currently on the table she preferred the Council on General Affairs and Policy be asked to consider the establishment of a representative Experts' Group to consider the feasibility

of future work on intellectual property. Leaving the matter to the Council on General Affairs and Policy in 2020 had the advantage of giving Members time to consult and to consider the implications of a decision for the priorities of Council for the work programme of the HCCH. She reminded the room that the work programme was full and encouraged them to consider budgetary implications. She highlighted that it would likely mean another priority on the work programme giving way to this matter.

7. **The Chair** reminded the room that any decision taken by the Commission on General Affairs would be reflected in the Final Act.

8. **A delegate from the People's Republic of China** congratulated the Chair on his appointment. He thanked Brazil and Israel for their consistent efforts to accommodate the differing views of Members. The delegate expressed full support for the arguments raised by Brazil and recognised the significant work those delegations had done to accommodate diverse views. He reported that to take any decision on another mechanism would be beyond his mandate to negotiate the current draft of the Convention. He agreed that all the work on this topic should be recorded and kept at this stage. He sought to propose a third option: that this Commission simply inform Council on General Affairs and Policy of the current discussions of this Diplomatic Session and request that Council consider future work, but without recommending any format. This approach would entail a report to Council but without any indication of what steps should be taken. He reminded the room that extensive time should not be spent on this issue in light of the main goal of completing work on the draft Convention.

9. **A delegate from Israel** joked and expressed his excitement at participating in his first meeting on General Affairs and Policy. His delegation thanked Brazil for the work that they had undertaken together in attempting to find a workable solution. However, he acknowledged that despite their best efforts, the continued diverging views in the room illustrated the difficulty of this issue. He agreed with Brazil and China that at this stage the Commission on General Affairs should not take any action in making a recommendation to the Council on General Affairs and Policy. He supported China's suggestion and asked the Permanent Bureau to comment on whether there was a way to produce a document reflecting the work and various options to be submitted to Council. He noted the importance of such a document being provided in enough time for Members to consider it. That failing, he supported China's suggestion to only ask Council to take note of the events of the Diplomatic Session. He asserted that this did not represent any position on the part of Israel with regard to the form of any future work. Israel would be happy simply for the Permanent Bureau to record these proceedings and report to Council.

10. **A delegate from the European Union** noted his own excitement at this convening of the Commission on General Affairs in a virtual change of venue. He recorded that the European Union had supported the inclusion of intellectual property matters either to the full or a limited extent. He thought it would be better not to let the immense work on this matter go to waste and that it would be appropriate to send a signal regarding continued work, given that the possibility of consensus looked bleak. This could be done through a range of means, from recommending the establishment of an Experts' Group, to doing nothing and hoping that this issue might be taken up. The European Union ex-

pressed no formal position, but saw no problem with finding an option.

11. **A delegate from the United States of America** thanked all Members for their work on this matter. The delegate restated his position that the application of private international law to intellectual property differed greatly from the application of private international law to other issues. At this point he could not support any recommendation as to a protocol, as it was unlikely that the application of such an instrument would be different in any meaningful way from inclusion in the Convention with the possibility of an Article 19 declaration. Nonetheless, he recognised that the issue needed further discussion. His delegation was happy for the Commission to make a recommendation to Council, or to act on the proposal of China simply to notify Council. The delegate agreed with Israel that there would be some benefit to a Preliminary Document on this issue, but understood that this would require devoting resources of the Permanent Bureau. The United States of America did not wish to overburden the Permanent Bureau. The delegation looked forward to discussion of this matter in March 2020.

12. **Un délégué de la Suisse**, après avoir entendu toutes les options, note que la délégation de la Suisse soutient la formulation proposée par la délégation du Canada dans le sens où elle revêt un certain degré de direction tout en laissant complètement ouverte la question des résultats ; cette proposition suggère simplement que le Conseil sera invité à discuter de l'établissement d'un Groupe d'experts en vue d'analyser les options et la faisabilité des travaux futurs. Le délégué espère avoir bien compris la proposition de la délégation du Canada. Cette proposition est suffisamment concrète tout en restant suffisamment vague.

13. **The Chair** enjoyed the idea of “constructive ambiguity” arising from the Swiss intervention.

14. **Another delegate from the European Union** advised the room that, speaking from his experience of having previously chaired an Experts' Group on feasibility, he did not think that convening such a group would be very constructive. He observed that it was clear there were different views on this. As such, exploring feasibility was not useful and would be a waste of resources, as it would require consensus as a result in order to progress beyond that group. It would only be useful if those Members that were not interested were willing for those interested to continue work. On issues such as this where there was no consensus, but there was significant interest, he posited that the Members need to decide whether the HCCH was willing to use its resources. The delegate emphasised that this was an issue for the Council to consider, for this particular issue, but also as a general concept.

15. **Another delegate from the European Union** added a note regarding the follow-up work that would arise out of the successful conclusion of a Convention. The delegate reminded the room that an Experts' Group on jurisdiction was already in the work programme. He recalled his delegation's flexibility on intellectual property, but expressed that this should not interfere with the scheduled work on jurisdiction.

16. **The Chair** took stock of the views expressed. He had heard some support for making a recommendation that Council contemplate an Experts' Group to consider the feasibility of future work. On the other hand, there had been concerns that this was not the time to make a decision that was too far-reaching. He concluded that there was

some desire to at least send a signal that this work is not complete. The Chair proposed moving forward tentatively, by putting forward a “light-touch” recommendation that Council, at its March 2020 meeting, give consideration to what, and if any, future work the HCCH should undertake in relation to private international law and intellectual property. He observed that in some respects this decision was for his own benefit, as this issue would then be on the agenda for the Council on General Affairs and Policy, but would not require any Members to go to the trouble of making a proposal. He suggested that this approach would avoid making any decisions or commitments beyond the delegates' current instructions.

17. **A delegate from Brazil** requested clarification of wording of the Chair's proposal, which the Chair repeated. The delegate then requested that the decision be deferred as his delegation wished to seek instructions, as he was not mandated to take such a decision. He suggested the Commission return to the question at a later stage in the Diplomatic Session, perhaps on 1 July. He echoed the remarks of China that the delegations had come for the purpose of negotiating a treaty, and that there were still significant issues to resolve.

18. **A delegate from Israel** joked that when this meeting returned later in the Diplomatic Session he would get to participate in two meetings on General Affairs. He supported deferring any decision until 1 July, and suggested that the exact wording of the Chair's proposal be shared on the Secure Portal.

19. **The Chair** accepted this approach. He confirmed that he would make his proposed recommendation to Council available on the Secure Portal, so that Members would have time to consult. The matter would then be revisited at a time that suited the Chair of the Commission on the Judgments Convention.

20. The meeting closed at 12.32 p.m.

Procès-verbal No 2

Minutes No 2

Séance du lundi premier juillet 2019 (après-midi)

Meeting of Monday 1 July 2019 (afternoon)

1. La séance est ouverte à 15 h 35 sous la présidence de **M. Andrew Walter (Australie)**.

2. **The Chair** noted three Working Proposals: Working Proposal No 1 REV (which had emerged from earlier discussions concerning intellectual property), Working Proposal No 2 from the delegations of Argentina, Chile, Peru and Uruguay (with respect to languages) and Working Proposal No 3 from the Permanent Bureau (concerning the Recommended Form).

Working Proposal No 1 REV

3. Turning to Working Proposal No 1 REV, the Chair noted that a change to the heading reflected the possibility that more than one decision point would be raised at the Commission on General Affairs and Policy. Otherwise, the substance of the recommendation remained the same. The Chair recalled that this document emerged from the earlier meeting of the Commission. The Chair asked if there was anyone who objected. Noting no objections, the Chair turned to Working Proposal No 2.

Working Proposal No 2

4. **The Secretary General** explained the meaning of the final line, “this proposal has been discussed with the Permanent Bureau”, and noted that the Permanent Bureau and Argentina had been working together on the proposal in full transparency and open exchange. The Secretary General sought to dispel any impression upon the delegates that there was an issue with working in other languages. He also stressed that the Permanent Bureau would simply act in a coordinating role, and would not provide budgetary or organisational resources for the preparation of the translations.

5. **A delegate from Argentina** thanked the Chair, the Permanent Bureau and the Secretary General for assisting Argentina with its proposal. She indicated that, as could be seen from the text, Members would happily undertake the task of translating into the proper languages, including Spanish. The delegate recalled the Secretary General’s message of “inclusiveness” from the formal dinner, and she remarked that this was what the proposal sought to achieve. She considered that the translation of the Convention into Spanish would help to raise awareness of the Convention, would assist States in becoming Party to it, and would ensure its proper application. She highlighted that, at the end of the day, it would be the judiciary of the respective countries that would apply the Convention. The translation of the text into multiple languages would be key to its success. The delegate sought to send a positive message as to the

use of other languages. She expressed the hope that the Working Proposal could reach consensus easily. She emphasised this did not have budgetary implications. Finally, although this was not the UN, she remarked Spanish was an official UN language and that it was sometimes useful to have it as a reference for our work at the HCCH.

6. **The Chair** sought interventions of any other co-proponents.

7. **Un délégué du Chili** mentionne la volonté de travailler avec le Secrétaire général et les délégations qui ont participé à la rédaction de cette proposition. Il souligne l’importance de ce document et la nécessité de le porter à la connaissance des praticiens au sein des Membres. Il indique ensuite son souhait de collaborer avec les autres délégations afin de rendre un produit final qui reflète cette collaboration.

8. **A delegate from Mexico** supported the proposal as one of its co-sponsors. The delegate highlighted the key word “inclusiveness”. He highlighted that the Working Proposal aligned with the Strategic Plan of the HCCH which was recently approved. He repeated his intention to work together on this proposal.

9. **A delegate from Peru** aligned with the co-proponents and highlighted the need to promote both inclusiveness and the Convention.

10. **A delegate from Uruguay** supported the proposal as one of its co-sponsors, and noted that the proposal bore no budgetary implications. It sought to promote and disseminate the dissemination of the Convention which was needed for its understanding and as the basis of future ratification and approval.

11. **A delegate from the European Union** made one suggestion as to the wording, and had one offer to make. Before he did either, the delegate emphasised that the European Union was fully aligned with the purpose and objective of the proposal. By his comments, he sought to broaden the scope of what the proponents sought in their proposal. First, the delegate recalled it was of the utmost importance that States had consistent and correct translations of the Convention in the official language of their traditional judicial proceedings. He highlighted that additional issues arise where languages are widely spoken and spoken in a number of jurisdictions: for those languages, there was a need to achieve a consistent version to be applied in a number of jurisdictions. The delegate remarked that Spanish is widely spoken and expressed support for the proposal with respect to Spanish. However, the delegate explained that there were other languages that were equally widely spoken, some of which were official languages of the European Union. For that reason, the delegate proposed to replace the term “including Spanish” with the phrase “in particular, languages spoken in more than one Member State” to make this a more neutral and broader notion that would apply to more than one language (and include Spanish). Secondly, the delegate combined his suggestion with an offer from the European Union. He noted that the European Union would need to translate the text into all official languages of the European Union in order to procure signature and ratification of the Convention. Such translations would not be official HCCH documents, however they would comprise official European Union documents. In that regard, the delegate offered coordination and cooperation to all other Members of the organisation: Members were invited to address the European Union and share issues or preliminary translations already carried out into those languages, so that

the European Union could then liaise with its translation services to produce language versions that are consistent and that help to promote the Convention and its uniform interpretation.

12. **The Chair** thanked the European Union for its offer. He intended to return to the proposal regarding the text after taking the interventions of others.

13. **A delegate from Japan** did not seek to modify or revise the Working Proposal. He expressed his true appreciation and respect for the Member States who intended to collaborate and produce translations of the Convention. However, he had one concern about the proposal: reading the proposal literally, it seemed to the delegate that the proposal encouraged Japan to collaborate with the Permanent Bureau and produce a Japanese translation. However, Japan did not want to be encouraged to make a translation. He considered that each State should voluntarily determine whether it would collaborate to provide a translation. The delegate highlighted that this issue impacted upon the resources and manpower of the Permanent Bureau. From that point of view, Japan was hesitant to adopt the proposal. However, if the Plenary reached consensus, the delegate did not intend to object to the proposal.

14. **Un délégué de la Suisse** remercie les cinq délégations qui ont soulevé cette problématique. Il souligne ensuite l'importance des traductions et fait écho aux commentaires de l'Union européenne quant à l'idée de faire référence à d'autres langues. Pour finir, il remercie l'Union européenne de sa généreuse suggestion car traduire un texte nécessite des ressources et du temps. Pour ces raisons, il indique que sa délégation coopérera volontiers pour l'italien et l'allemand.

15. **A delegate from Argentina** thanked the Chair and the other delegates for making interventions and expressing their willingness to work on the proposal from Argentina. The delegate forgot to mention that there are currently 11 or 12 Spanish-speaking countries within the HCCH, with two more hopefully becoming Members. Therefore, she emphasised it was important to keep Spanish on board and, in that respect, she sought to retain the reference to "Spanish" in the Working Proposal. In the spirit of inclusiveness, the delegate was prepared to include other specific languages in its proposal (and to that end, she expressed her thanks to the European Union for its offer to collaborate with respect to a Spanish translation). The delegate suggested that the work could proceed along the lines of promoting Spanish, German and / or whatever languages were appropriate. The delegate reiterated that she sought to keep the reference to Spanish, but not necessarily to the exclusion of other languages.

16. **A delegate from Uruguay** proposed to include text before the phrase "into other languages", or before the phrase "including Spanish", that read "language spoken by many jurisdictions". As to the comments from the delegate from Japan, the delegate from Uruguay thought that the Working Proposal could be modified to read "[e]ncourages the relevant Members of the HCCH to collaborate": in that way, the "relevant Members" would refer only to those States who were directly interested (States that used a particular language, or had proposed a translation, or had agreed to finance a translation) and not all Member States generally. The delegate also thanked the European Union for its offer and expressed the willingness of Uruguay to engage in cooperation and coordination efforts, and sought more information as to the timing of a Spanish translation,

for the presentation of the Convention to the Parliament in Uruguay.

17. **The Chair** summarised the discussion. Firstly, in relation to the resources point (raised by Japan) the intention was to not impose any costs upon the Permanent Bureau. The reference in the proposal to "coordination with the Permanent Bureau" was simply to ensure, for example, that there would not be 12 Spanish-speaking States all doing their own translations. The Chair emphasised that it was in everyone's interests to have one common translation. In terms of not wanting to encourage Japan to translate the Convention into Japanese, the Chair developed upon the intervention made by the delegate from Uruguay and suggested that the Working Proposal be modified to read: "Encourages *interested* Members of the HCCH to collaborate". Then, the Chair turned to the inclusiveness of other languages raised by the European Union. He noted that the "counterweight" position of the co-proponents was that the Working Proposal had initially sought to emphasise Spanish in particular. He suggested modifying the Working Proposal as follows: "towards the production of translations of the Convention into other languages, in particular languages spoken in more than one Member such as Spanish, with a view [...]". The Chair then read the whole of the proposed text: "Encourages interested Members of the HCCH to collaborate, in coordination with the Permanent Bureau, towards the production of translations of the Convention into other languages, in particular languages spoken in more than one Member such as Spanish, with a view to promoting the Convention and its understanding, facilitating ratifications, approvals and accessions, and supporting its implementation and application."

18. **A delegate from the European Union** recalled that language politics was a sensitive area of politics. He acknowledged that Spanish was also an official language within the European Union. However, he considered that the express mention of Spanish created a problem for the European Union where other languages were not also mentioned. The delegate proposed either a generalised Working Proposal, or else requested a list (at everyone else's expense) of the numerous other relevant European languages.

19. **A delegate from the Russian Federation** suggested the addition of the Russian language.

20. **A delegate from Argentina** sought to gain the support of the European Union. She understood the point of view of the European Union and welcomed the inclusion of Russian within the proposal. In that regard, the delegate proposed that "the official languages of the European Union" could be included in the wording of the Working Proposal.

21. **A delegate from Japan** considered that Chinese, Spanish and other UN languages must be included in the proposal. He emphasised that Japanese should not be included.

22. **Un délégué de la Suisse** rappelle que l'allemand et l'italien ne sont pas des langues parlées uniquement au sein de l'Union européenne.

23. **A delegate from Chile** considered the discussion had become too complicated, and that the Working Proposal had been intended to facilitate an agreement. She recalled the idea had originated from Spanish-speaking States that used Spanish not only within their respective countries but in their bilateral and multilateral relations in Latin America and with some Caribbean States. The delegate emphasised

that it was the intention and aim to highlight the proponents' willingness to work to produce a Spanish version of the Convention as soon as possible. The delegate understood that there were other readings and other understandings of first-class and second-class languages – however she emphasised that the intention of the Working Proposal was completely different. The idea was to have a kind of invitation, extended to all Members, to think about translations of the text, and that Spanish should be included within that trend. The delegate highlighted her delegation's desire to work upon language that reflected that common will. She underscored that the intention was not to create a problem within the Conference, amongst the European Union and other States. The delegate was convinced that there would need to be a version of the Convention in each and every language for judges, who had never read in French or English, to understand and apply the Convention. She emphasised that the Convention should facilitate "universality": not a universality for the elite, but for the common people. She suggested that deleting the reference to Spanish would accommodate some people. However, she sought to place on the record of the meeting that Spanish-speaking States wished for the Convention to be translated into Spanish, and to highlight the importance that the proponents attached to the Working Proposal. She also sought to remind the delegations that private international law was very developed, since the earliest times, in Montevideo and in the Americas. She did not seek to deny there had been developments and evolution in other countries, but sought to emphasise the roots of private international law in the Americas.

24. **A delegate from Israel** concurred with the explanation provided by the delegate from Chile, and sought to offer a suggestion that captured the discussions of the Working Proposal. She suggested retaining the sentence "in particular, languages spoken in more than one Member" and adding another sentence at the end of the paragraph: "The Commission welcomes the willingness of the Spanish-speaking Members to work towards the production of such a text in Spanish."

25. **A delegate from the European Union** echoed the approach of the delegate from Israel. He also suggested retaining a general sentence, and then adding a sentence at the end which could include, *e.g.*, "takes note that first intentions of cooperating in relation to the Spanish language have already been declared at the Diplomatic Session". The delegate highlighted that this approach retained a specific reference to Spanish and remained truthful to the actual discussions.

26. **A delegate from Uruguay** suggested the addition of the following sentence, perhaps either at the end or the beginning of the proposal: "to take note", or "to welcome", "the willingness of the Spanish-speaking States to cooperate among each other to reach", or "to coordinate", "a common translation into Spanish" or something of the sort.

27. **The Chair** observed a way forward. He proposed the deletion of the words "including Spanish" in the first sentence (so that it would read: "towards the production of translations of the Convention into other languages with a view [...]"), and the addition of a new sentence, *e.g.*, "The Commission welcomed the willingness of the Spanish-speaking Members to collaborate on the development of a Spanish text of the Convention." The Chair enquired whether this was satisfactory.

28. **A delegate from the European Union** agreed that this was agreeable with respect to the latter part. However, in relation to the first sentence, the delegate not only sought

the deletion of the words "including Spanish" but the retention of the words "in particular, languages spoken in more than one Member" as had been suggested by the European Union and endorsed by a number of other delegations.

29. **The Chair** focused upon the second sentence. He enquired whether there were any objections to that proposal, particularly from the proponents of the Working Proposal.

30. **A delegate from Argentina** agreed that the first sentence was agreeable as part of a compromise solution. However, in relation to the second specific sentence, the delegate suggested that it should be emphasised that the intention was to achieve one common translation into Spanish, via one coordinated effort.

31. **The Chair** responded by suggesting the phrase "a common Spanish text" or "the development of a common Spanish text". Observing that the delegate from Argentina was in agreement, the Chair directed the discussion to the second point raised by the European Union: the inclusion of the sentence "in particular languages spoken in more than one Member". He noted that this language avoided placing pressure upon the Japanese delegation to produce a Japanese translation.

32. **A delegate from Canada** did not object to the general thrust of the Working Proposal, however she sought to make a drafting suggestion that made the text more precise. Rather than referring to the "languages spoken in Member States", the delegate proposed the phrase "languages of Members". The delegate illustrated her suggestion by reference to Canada. While Canada had two official languages, (the same official languages as the HCCH), there were also many other languages spoken in Canada. In that respect the delegate was not in a position to suggest that the text of the Convention be produced in any language other than the official languages. The delegate suggested that the simplest modification could be to say "in particular languages of Members".

33. **A delegate from the European Union** thanked the delegate from Canada and acknowledged the precision of the drafting. He suggested that a correct and meticulous approach would be to say "in particular, languages that are official languages in more than one Member".

34. **A delegate from Uruguay** suggested "in particular, official languages in more than one Member".

35. **The Chair** considered this to be the "winning bid" and asked whether there were any objections to the language "in particular, official languages of more than one Member".

36. **A delegate from Canada** suggested "official languages common to more than one Member State".

37. **A delegate from the European Union** expressed the preference of her delegation not to talk of "Member States" but simply "Members".

38. **The Chair** proposed the following text: "Encourages interested Members of the HCCH to collaborate, in coordination with the Permanent Bureau, towards the production of translations of the Convention into other languages, in particular official languages common to more than one Member, with a view to promoting the Convention and its understanding, facilitating ratifications, approvals and accessions, and supporting its implementation and application. The Session welcomed the willingness of the Spanish-

speaking Members to collaborate on the development of a common Spanish text of the Convention.” The Chair enquired whether there were any strong objections and, observing that there were none, proceeded on the basis that he and the Secretary General would ensure the text was appropriately reflected.

Working Proposal No 3

The Chair then directed the discussion to Working Proposal No 3 from the Permanent Bureau as to the recommended form. Noting that there were no comments or objections to adopting the Working Proposal, the Chair proceeded on the basis that it was adopted. The Chair foreshadowed that the order of the Working Proposals would be Working Proposal No 3, Working Proposal No 2, then Working Proposal No 1.

Judgments Convention event in Hong Kong

39. **A delegate from the People’s Republic of China** sought to raise awareness of the proposed conference on 9 September 2019 in Hong Kong.

40. **The Representative from the HCCH Regional Office for Asia and the Pacific** explained that, on 9 September 2019, a one-day conference would be hosted in Hong Kong to promote the Judgments Convention. Now that the text of the exciting and “game-changing” Convention had been finalised, the Representative highlighted that it needed to be promoted to different regions in the world. The conference in Hong Kong was being jointly organised by the Department of Justice of the Hong Kong Special Administrative Region and the People’s Republic of China. The Representative indicated that there were flyers available. He encouraged the delegates to advertise the conference to colleagues, lawyers and experts within their regions, particularly from the Asia Pacific, so that a good representation of lawyers, practitioners and government officials would be present at the conference. He indicated that the conference was free, and that registration would open in a couple of days.

41. **A delegate from the People’s Republic of China** echoed the Representative’s warm invitation to all distinguished delegates. He remarked that it was an honour for the People’s Republic of China to co-organise the event with the Permanent Bureau and the Regional Office for Asia and the Pacific. He noted that, now that the adoption of the Convention was a certainty, he and his delegation were relieved that the months of planning would culminate in the conference! He reiterated that the invitation extended to the delegations, their friends and colleagues, and business sector lawyers. He indicated that registration details were contained in the flyer.

42. Commission II was closed at 4.25 p.m.

Séance plénière
Plenary Session

Propositions de travail Nos 1 et 2*

Working Proposals Nos 1 and 2*

Distribués le dimanche 30 juin 2019

Distributed on Sunday 30 June 2019

No 1 REV – Proposition du Président de la Commission sur les affaires générales et la politique – Proposal of the Chair of the Commission on General Affairs and Policy**

B – Les décisions et considérations suivantes :

La Vingt-deuxième session,

...

3 Invite le Conseil sur les affaires générales et la politique à examiner, lors de sa réunion de 2020, s'il souhaite, le cas échéant, que la HCCH entreprenne davantage de travaux sur l'intersection entre le droit international privé et la propriété intellectuelle.

* * *

B – The following decisions and considerations –

The Twenty-Second Session,

...

3 Invites the Council on General Affairs and Policy to consider, at its 2020 meeting, what, if any, further work it wishes the HCCH to undertake on the intersection between private international law and intellectual property.

No 2 REV – Proposal of the delegations of Argentina, Chile, Mexico, Peru and Uruguay

The Twenty-Second Session,

Recalling the Strategic Plan adopted by CGAP in 2019, seeking universality and inclusiveness as parts of the operational strategic priorities of the HCCH, and

Having regard to the importance of the widest possible dissemination of the Convention,

Encourages interested Members of the HCCH to collaborate, in coordination with the Permanent Bureau, towards the production of translations of the Convention into other languages, in particular official languages common to more than one Member, with a view to promoting the Convention and its understanding, facilitating ratifications, approvals and accessions, and supporting its implementation and ap-

* Ne sont reproduits dans ce tome que les documents de travail ayant trait aux matières diverses./Only the working documents dealing with miscellaneous matters are reproduced in this volume.

** Le Doc. trav. No 1 REV a été distribuée le 1^{er} juillet 2019./Work. Doc. No 1 REV was distributed on 1 July 2019.

plication. The Session welcomed the willingness of the Spanish-speaking Members to collaborate on the development of a common Spanish text of the Convention.

Proposition de travail No 3

Working Proposal No 3

Distribué le lundi 1^{er} juillet 2019

Distributed on Monday 1 July 2019

No 3 – Proposition du Bureau Permanent – Proposal of the Permanent Bureau

B – Les décisions et considérations suivantes :

La Vingt-deuxième session,

1 Confie au Bureau Permanent le mandat de réviser, en consultation avec les Membres, le projet de Formulaire recommandé en vertu de la Convention sur la reconnaissance et l'exécution des jugements étrangers en matière civile ou commerciale, en vue de soumettre pour approbation le projet révisé de Formulaire recommandé au Conseil sur les affaires générales et la politique de 2020.

* * *

B – The following decisions and considerations –

The Twenty-Second Session,

1 Mandates the Permanent Bureau to revise, in consultation with Members, the draft Recommended Form under the Convention on Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, with a view to submitting the revised draft Recommended Form for approval to the Council on General Affairs and Policy in March 2020.

Extrait du Procès-verbal No 2*

Extract from Minutes No 2*

Séance du lundi premier juillet 2019 (après-midi)

Meeting of Monday 1 July 2019 (afternoon)

3. **The Secretary General** wanted to record, on behalf of the Permanent Bureau, his thanks to the distinguished delegation from the European Union and the Commission for organising translations of the Convention. He noted that this was a continuation of their excellent cooperation upon translations in the past. The Secretary General also thanked the Department of Justice of the Hong Kong Special Administrative Region and the colleagues from the People's Republic of China for hosting the first major event to promote the Convention. [...]

* N'est reproduit dans ce tome que l'extrait du Procès-verbal ayant trait aux matières diverses./Only the extract from the Minutes dealing with miscellaneous matters is reproduced in this volume.

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