



Council of the
European Union

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Civil Law Matters (General Questions)
Subject:	Council on General Affairs and Policy of the Hague Conference (24-26 March 2015)
	– Conclusions and Recommendations adopted by the Council

Delegations will find attached the Conclusions and Recommendations adopted by the Council on General Affairs and Policy of the Hague Conference at its meeting on 24-26 March 2015.

**Council on General Affairs and
Policy of the Conference
(24-26 March 2015)**



CONCLUSIONS & RECOMMENDATIONS

ADOPTED BY THE COUNCIL

1. From 24 to 26 March 2015, 180 participants took part in the Council on General Affairs and Policy of the Conference, representing 64 Members, one admitted State, two interested States and observers from 16 IGO / NGOs.¹

¹ These included the following Members of the Hague Conference on Private International Law: Albania, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China (People's Republic of), Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, European Union, Finland, France, Georgia, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, Morocco, Norway, Netherlands, New Zealand, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Viet Nam; the following admitted State: Colombia; the following interested States: Andorra and Moldova; and the following interested international organisations: United Nations Commission on International Trade Law (UNCITRAL), International Institute for the Unification of Private Law (UNIDROIT), Mercosur, Organization for the Harmonization in Africa of Business Law (OHADA), International Organization for Migration (IOM), World Intellectual Property Organization (WIPO), United Nations Children's Fund (UNICEF), American Association of Private International Law (ASADIP), Council of Bars and Law Societies of Europe (CCBE), International Bar Association (IBA), International Law Association (ILA), P.R.I.M.E. Finance Foundation, International Swaps and Derivatives Association (ISDA), International Union of Judicial Officers (UIHJ), International Association of Judges (IAJ) and International Union of Latin Notaries (UINL).

Ceremonies for admittance of new Members and signing of Hague Conventions

2. The Council witnessed:
 - a) the proposal by the Government of the Netherlands to admit the Republic of Moldova as a Member of the Hague Conference and the opening of the six-month voting procedure by the Secretary General;
 - b) the signature by Singapore of the Hague Convention of 30 June 2005 on Choice of Court Agreements.

New legislative instrument – Hague Principles

3. The Council noted with satisfaction that the Principles on Choice of Law in International Commercial Contracts had been approved on 19 March 2015 in accordance with the procedure established by the Council in 2014 and welcomed this new Hague instrument. The Council agreed to seek endorsement of the Principles from UNCITRAL.

Work relating to possible new instruments

Judgments Project

4. The Council welcomed the significant progress made by the Working Group and invited it to continue its work as set out in the Report of the Meeting of the Working Group of February 2015 (Prel. Doc. No 7 B). In order to enable the Working Group to complete its work, it may address matters within the mandate of the Experts' Group and make appropriate recommendations. The Working Group will report on this priority topic to the Council in 2016.

Private international law issues surrounding the status of children, including issues arising from international surrogacy arrangements

5. The Council decided that an Experts' Group be convened to explore the feasibility of advancing work in this area. The Experts' Group should first consider the private international law rules regarding the legal status of children in cross-border situations, including those born of international surrogacy arrangements. To this end, the Council decided that:
 - a) the Experts' Group should meet in early 2016 and report to the 2016 Council;
 - b) the Group should be geographically representative and be composed in consultation with Members; and
 - c) Members are invited to keep the Permanent Bureau updated regarding significant developments in their States in relation to legal parentage and surrogacy.

Recognition and enforcement of foreign civil protection orders

6. The Council welcomed the additional statistical and comparative information on national law collected by the Permanent Bureau. The Council invited the Permanent Bureau, subject to available resources, to continue exploratory work on this topic, including in relation to addressing the diversity of types of legal regimes (e.g., orders issued under civil, administrative or criminal law) in the field of protection orders.

Recognition and enforcement of voluntary cross-border agreements

7. The Council noted the progress made on the Questionnaire and the plans to convene another Experts' Group meeting to consider further the role that existing Hague family law Conventions play in cross-border recognition and enforcement of agreements in international child disputes, as well as the impact that an additional instrument might have on the practical use and portability of these agreements across borders. The Permanent Bureau will report to Council in 2016.

Co-operation in respect of protection of tourists and visitors abroad

8. The Council decided that the Permanent Bureau shall conduct a study on the desirability and feasibility of further work in this area, taking into account, inter alia the compatibility of the topic with the mandate of the Hague Conference and work conducted in other fora. The Council welcomed the readiness of the Brazilian Government to fund the hiring of an expert for that purpose.

Use of video-link and other modern technologies in the taking of evidence abroad

9. The Council noted the Conclusions & Recommendations of the 2014 Special Commission meeting on the practical operation of the Service, Evidence, and Access to Justice Conventions, and decided to establish an Experts' Group to investigate the issues that may arise with the use of video-link and other modern technologies in the taking of evidence abroad. The Council invited the Experts' Group to study existing instruments and current practice, and explore potential ways to address these issues, including the desirability and feasibility of an optional protocol or any other instrument.

Other topics

10. The Council welcomed the update provided by the Permanent Bureau on private international law issues relating to cohabitation outside marriage, including registered partnerships. The Council invited the Permanent Bureau to develop a questionnaire to seek further information on these issues, and to report to the Council in 2017.
11. The Council decided to remove from the Agenda of the Hague Conference the topic of accessing the content of foreign law, with the understanding that this issue may be revisited at a later stage.

Post-Convention activities

12. The Council approved the updated edition of the Practical Handbook on the Operation of the Service Convention and the new edition of the Practical Handbook on the Operation of the Evidence Convention.
13. The Council welcomed plans to convene a meeting of the Special Commission on the practical operation of the Apostille Convention, to be held in conjunction with the 10th International Forum on the e-APP, and tentatively scheduled to be held in the second half of 2016.
14. The Council welcomed the preparatory work undertaken in relation to the next meeting of the Special Commission on the practical operation of the 1993 Intercountry Adoption Convention, to be held from 8 to 12 June 2015. It also noted the importance of technical assistance in relation to the implementation of this Convention and the need to secure funding to continue the position of the Intercountry Adoption Technical Assistance Programme Co-ordinator.
15. The Council welcomed the progress of the Working Group in developing a Guide to Good Practice on the interpretation and application of Article 13(1)(b) of the 1980 Child Abduction Convention, and invited the Group to continue its work. The Permanent Bureau will report to Council in 2016.
16. The Council welcomed the work accomplished by the Permanent Bureau in relation to INCADAT and INCASTAT under the 1980 Child Abduction Convention and encouraged States to support the work in this area.
17. The Council welcomed the work accomplished in relation to the development of iSupport (the electronic case management and secure communication system) under the 2007 Child Support Convention.

Technical assistance

18. The Council welcomed the Report of the Working Group on Technical Assistance and approved the Strategic Framework for post-Convention assistance prepared by the Working Group. Furthermore, the Council welcomed the achievements of the Permanent Bureau in the areas of education, training and technical assistance in relation to the Hague Conventions.

Working Party on Mediation in the context of the Malta Process

19. The Council welcomed the report of the Working Party on Mediation in the context of the Malta Process as well as the direction for future work. The Council welcomed the increased engagement and activity by the members of the Working Party. The Council agreed that the Working Party continue its work on the implementation of the principles for the establishment of mediation structures, with the expectation of a further report on progress to the Council in 2016.

Regional presence of the Hague Conference

20. The Council welcomed reports provided by the Representatives of the Regional Offices for Latin America and the Asia Pacific, and strongly supported further activities in those regions.
21. The Council noted the proposed Africa Strategy (Prel. Doc. No 6). The Council strongly supported the initiative of the Permanent Bureau to increase the visibility and strengthen the promotion of the activities of the Conference in Africa.
22. The Council strongly supported the pursuit of universality of the Hague Conference and decided to continue discussion of the matter.

Governance of the Organisation

23. The Council noted the progress made by the Working Group on Financial Matters and Budgetary Practices in developing revised Financial Regulations.
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