

PROJET D'ORDRE DU JOUR

**RÉUNION DU GROUPE DE TRAVAIL ET DU GROUPE D'EXPERTS
CONCERNANT LE PROJET SUR LES JUGEMENTS**

proposé par le Bureau Permanent

* * *

DRAFT AGENDA

**MEETING OF THE WORKING GROUP AND THE EXPERTS' GROUP
ON THE JUDGMENTS PROJECT**

proposed by the Permanent Bureau

*Document à l'attention du Groupe de travail et du Groupe d'experts
(réunions de février 2013)*

*Document for the attention of the Working Group and the Experts' Group
(meetings of February 2013)*

DRAFT AGENDA

The meetings of the Working Group and the Experts' Group will take place at the offices of the Permanent Bureau in The Hague from 18 to 23 February 2013 (inclusive).

This draft agenda for the two meetings is proposed by the Permanent Bureau and is based on the issues that have been identified in Notes Nos 1 and 2 of January 2013. It is recognised that the experts may have other issues that they wish to address. In any event, the proposed agenda will be approached with considerable flexibility and may be modified as the meetings progress.

It is proposed that sessions will begin at 9.30 a.m. and end at 6.00 p.m. with a lunch break from 1.00 to 2.30 p.m. There will be breaks for coffee and tea during each of the sessions.

Monday 18 February 2013

9.30 a.m. **Opening of the Working Group meeting**

Opening remarks by Hans van Loon, Secretary General of the Hague Conference on Private International Law

Adoption of the draft agenda

Brief overview of the background to the Project

Presentation of documentation, addressing the background of the Judgments Project and the mandate given by the Council on General Affairs and Policy in 2012, by Marta Pertegás, First Secretary at the Hague Conference on Private International Law

1. Objectives and scope



Objectives of this meeting

- ***What are we trying to achieve?***
- ***Relationship between this Project and the Choice of Court Convention***



Preliminary overview of key issues to be considered in the course of the meeting, including:






- ***Substantive scope: matters to be included or excluded***
- ***Types of decisions to be included***
- ***Jurisdictional filters***
- ***Recognition and enforcement process***
- ***Form of future instrument***

11.30 a.m. *Coffee break*

11.45 a.m. **1. Objectives and scope (cont'd)**

1.00 p.m. *Lunch break*

2.30 p.m. **2. Which decisions are to be included?**

-  **Default judgments**
-  **Provisional and protective measures**
-  **Non-money judgments**
-  **Judicial settlements**
-  **Judgments rendered in class actions**





4.15 p.m. *Coffee break*

2. Which decisions are to be included? (cont'd)

6.00 p.m. *End of session*

Tuesday 19 February 2013

9.30 a.m. **3. Mechanics of the recognition and enforcement procedure**

-  **Requirements and procedure in general**
-  **Grounds for refusal**
-  **Certain procedural aspects, such as:**
 - **Scope of review**
 - **Documents to be produced**
 - **Translation requirements**
-  **Future work**

11.30 a.m. *Coffee break*

11.45 a.m. **3. Mechanics of the recognition and enforcement procedure (cont'd)**





1.00 p.m. *Lunch break*

2.30 p.m. **3. Mechanics of the recognition and enforcement procedure (cont'd)**



4.15 p.m. *Coffee break*

4. Jurisdictional filters






-  **Nature of the jurisdictional filters**
-  **Content of the jurisdictional filters**
-  **Should there be additional filters for specific matters?**
-  **Future work**


6.00 p.m. *End of session*

Wednesday 20 February 2013

- 9.30 a.m. **4. Jurisdictional filters (cont'd)**
- 11.30 a.m. *Coffee break*
- 11.45 a.m. **4. Jurisdictional filters (cont'd)**
- 1.00 p.m. *Lunch break*
- 2.30 p.m. **5. Substantive scope: matters to be included or excluded**
- 4.15 p.m. *Coffee break*
- 6. Preliminary conclusions and future work (statement to be prepared for Council)**
- 6.00 p.m. *End of Working Group meeting*

Thursday 21 February 2013

- 9.30 a.m. **Opening of the Experts' Group meeting**
Adoption of the draft agenda
- Brief overview of the purpose of the meeting**
-  ***Preliminary discussion on the Experts' Group's mandate and the expected outcome of the meeting***
-  ***Regulation of jurisdiction broadly speaking (e.g., requiring certain types of jurisdiction, prohibiting others, and permitting others) and ancillary items***
- 11.30 a.m. *Coffee break*
- 11.45 a.m. **1. Possible treatment of direct grounds of jurisdiction**
-  ***The difference between acknowledging certain grounds and excluding others***
-  ***Link with substantive scope***
-  ***Link with form of instrument***
- 1.00 p.m. *Lunch break*

- 2.30 p.m. **2. Which grounds of jurisdiction**
 **One general ground of jurisdiction based on the defendant's centre of interests?**
 - **As an accepted ground?**
 - **Concept (including domicile, habitual residence, centre of main interests, defendant's submission etc)**

4.15 p.m. *Coffee break*

2. Which grounds of jurisdiction (cont'd)

6.00 p.m. *End of session*

Friday 22 February 2013

9.30 a.m. **3. Other grounds of jurisdiction to consider?**

 **Contracts**

 **Physical torts**

 **Trusts**

 **Others?**


11.30 a.m. *Coffee break*

11.45 a.m. **3. Other grounds of jurisdiction to consider? (cont'd)**

1.00 p.m. *Lunch break*

2.30 p.m. **4. Avoiding multiplicity of forums**

 **Lis pendens (proceedings pending elsewhere)**

 **Forum non conveniens (circumstances for declining jurisdiction)**

4.15 p.m. *Coffee break*

4. Avoiding multiplicity of forums (cont'd)

5. Other techniques to co-ordinate the flow of judgments

 **Anticipating foreign application of recognition and enforcement rules**

 **Direct judicial communications**

6.00 p.m. *End of session*

Saturday 23 February 2013

9.30 a.m. **6. Conclusions and Recommendations regarding the continuation of work on grounds of jurisdiction and related matters**

This session is reserved for the preparation of the Conclusions and Recommendations of the Experts' Group, which will be distributed prior to the afternoon session. There will be a coffee break around 11.30 a.m.

1.00 p.m. *Lunch break*

2.30 p.m. **6. Conclusions and Recommendations (cont'd)**

This session is reserved for discussions on the final Conclusions and Recommendations of the Experts' Group