

The fifth meeting of the Working Group charged with preparing the Hague Judgments Convention

The report of the fifth meeting of the Working Group established by the Council on General Affairs and Policy of the Hague Conference on Private International Law to prepare proposals in connection with “a future instrument relating to recognition and enforcement of judgments, including jurisdictional filters” is now available through the Conference’s website (see here for an account of the previous meeting).

The Working Group proceeded on the basis that the Convention should: (a) be a complementary convention to the Hague Choice of Court Convention of 30 June 2005, currently in force for the EU and Mexico; (b) provide for recognition and enforcement of judgments from other contracting States that meet the requirements set out in a list of bases for recognition and enforcement; (c) set out the only grounds on which recognition and enforcement of such judgments may be refused; and (d) not prevent recognition and enforcement of judgments in a contracting State under national law or under other treaties, subject to one provision relating to exclusive bases for recognition and enforcement (covering matters in the fields of intellectual property rights and immovable property).

The proposed draft text of the Convention prepared by the Working Group is annexed to the report.

The Working Group recommended to the Council on General Affairs and Policy (which is expected to meet in March 2016) that the proposed draft text be submitted for consideration to a Special Commission “to be held, if possible, in June 2016”.

It also recommended that matters relating to direct jurisdiction (including exorbitant grounds and *lis pendens*) be considered by the Experts’ Group in charge of the Judgments Project “with a view to preparing an additional instrument”. In the Working Group’s view, the Experts’ Group “should meet soon after the Special Commission has drawn up a draft Convention”.