Mesdames et Messieurs,

Mes collègues et moi-même sommes particulièrement heureux de vous voir aujourd'hui si nombreux. Vous représentez un large éventail de systèmes juridiques, avec des experts en provenance de tous les continents. Vous représentez également plusieurs disciplines. En effet, si l'accès au droit étranger intéresse notamment les spécialistes de droit international privé, le thème se trouve en réalité au carrefour de plusieurs disciplines, notamment la bonne administration de la justice – responsabilité et obligation fondamentale de l'Etat de droit – et l'accès à la justice – droit fondamental du citoyen, qui en constitue le complément.

Nous voilà donc réunis dans cette salle avec des experts en droit international privé et en droit comparé, en matière de droit constitutionnel et en matière de droits de l'homme, ainsi que des spécialistes dans le domaine de l'informatique, d'outils électroniques, et de gestion de bibliothèque. Et également avec des professionnels de divers horizons comme fonctionnaires, juges, arbitres, avocats, notaires, académiques. Bref, une composition unique de spécialistes de niveau mondial, avec un potentiel exceptionnel pour échanger des idées et proposer des initiatives pour des actions régionales et mondiales.

Avant de développer le pourquoi de notre conférence et sa structure dans ses grandes lignes, je tiens avant tout à remercier la Commission européenne d'avoir accepté d'organiser cette réunion conjointement avec la Conférence de La Haye de droit international privé. Cela fait déjà la troisième conférence que nous organisons ensemble, après celle de 2006 sur les obligations alimentaires et celle de 2009 sur les communications judiciaires directes. Ceci montre bien que la coopération entre nos organisations dans ce domaine des conférences conjointes est des plus fructueuses – facilitée sans doute par le fait que depuis maintenant presque cinq ans l'Union est institutionnellement liée à la Conférence en tant que membre de notre organisation en plus des 27 Etats membres de l'Union européenne. Je ne peux suffisamment remercier la Commission européenne d'avoir rendu possible cette réunion, notamment sur le plan financier et logistique, et de nous offrir toute une gamme de langues de travail au-delà du français et de l'anglais, qui sont les langues officielles de la Conférence.

Why this joint conference? In a nutshell the answer is because global interdependence of economies, societies and cultures, and regional integration increasingly question the traditional model of life and business being confined within the parameters of a single legal system. Personal and family or commercial situations connected with more than one country, and with more than one legal system, are now commonplace. As a result, information on foreign laws, notably in the civil and commercial field, is

becoming progressively more a basic resource within the toolkit of ensuring cross-border legal certainty and security.

The need for such information increases further as a result of the development of important global and regional private international law instruments. Within the European Union the Rome I, II and III regulations, for example, which have unified at the regional level the conflict rules on contractual and non-contractual obligations and on divorce, have given an impetus to the application of foreign laws – especially because they are of universal application and may designate the law of Brazil, South Africa or India just as they may designate French or English law. They thus tend to reinforce the need for access to foreign laws throughout the world. The Hague Conventions on legal cooperation and on protection of children and vulnerable adults, and soon the Choice of Court Convention, have or will have a similar effect at the global level.

Before exploring possible solutions at this joint conference, we will need to examine, as best as we can, the precise nature and extent of the *need* for information on foreign law and try to measure its future development from a global perspective. The broad composition of our panels will assist us greatly in this effort, and we will look at the needs from the perspective of different legal traditions within the common law, civil law and mixed families. This will be the task of **Panels II** and **III**.

With regard to *solutions*, a preliminary remark is in order. Research carried out within the Hague Conference has revealed that there is no prospect of unifying, at the global level, the legal *status* of foreign law within national legal proceedings: the variation among different legal systems as to the procedural treatment of foreign law is simply too great to embark on that route. Therefore, at least at the global level – but perhaps as well at the regional European level – our focus will be very "hands on" in attempting to assess what is already available in terms of facilitating access to foreign law, and what can be done (1) to draw full benefit from what is available, and (2) possibly, what shortcomings currently exist and what can be done to overcome these shortcomings?

As we have noted in our research, there seem to be essentially three or four main avenues which may facilitate access to foreign law. First, there is the amazing development of the accessibility of foreign law (with respect to many but not all jurisdictions), and of law generally, through information and communications technology. I am mentioning this avenue first because it is perhaps the most universally accessible and empowering avenue: you as a professional or even as a citizen may click your mouse several times, and you have got access to the laws of many countries in the world. That does not, however, solve all your problems, because there may be issues of language, up-to-dateness, reliability, and we will discuss these issues in more detail in

Panel V. The second avenue is that of accessing foreign law through a cooperative mechanism, supported by multilateral or bilateral treaties, which will allow judges or government officials to get through administrative channels from professionals in other countries at least a snap-shot of the foreign law with regard to a specific legal issue. A variant of this avenue is the option of direct judicial communications. This is the subject matter of our **Panel IV**. Whilst this mechanism may work in respect of a specific legal issue, and is essentially a condensed and ideally expeditious exchange with one question and one reply, it may fall short with regard to more complex legal issues which may arise, *e.g.*, in the context of difficult multinational insolvency or inheritance issues. There, access to more complete legal information through expert or expert institute networks will bring relief. **Panel VI** will focus on this aspect.

Finally, the grand finale will be **Panel VII**. Is what is available sufficient, also in reply to future needs identified by previous panels? If not, what could this conference recommend in terms of future action? In light of the increasing interdependence and integration of our economies, societies and cultures, it will be important to keep the evolving *global* perspective in mind, even if we may consider regional solutions.

Ladies and gentlemen,

The composition of our conference, your interest and enthusiasm, the careful preparation in which many of you took part, and the splendid facilities that are offered to us, are bound to make this conference a highly stimulating and rewarding event.

On behalf of the Permanent Bureau I wish you all an excellent meeting.

Thank you very much.