

VINGT ET UNIÈME SESSION
TWENTY-FIRST SESSION

Projet d'ordre du jour
Draft agenda

octobre / October 2007



PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

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DRAFT AGENDA

proposed by the Permanent Bureau

à l'intention de la Vingt et unième session – novembre 2007
for the attention of the Twenty-First Session – November 2007

PROJET D'ORDRE DU JOUR

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DRAFT AGENDA

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TWENTY-FIRST SESSION

The Hague, 5-23 November 2007

In general it is proposed that the meetings will begin at 9.30 a.m. (except for the first day at 11.00 a.m.) and will end at 6.00 p.m. (except for the last day at 1.00 p.m.). Lunch breaks are from 1.00-2.30 p.m. Coffee breaks will normally be from 11.00-11.15 a.m., and tea breaks from 4.00-4.15 p.m. Your attention is drawn to the possibility, particularly towards the end of the Session, of additional meetings in the evenings, if necessary.

The Session will comprise two Commissions – Commission I on the revised preliminary draft Convention on the international recovery of child support and other forms of family maintenance; and Commission II on the preliminary draft Protocol on the law applicable to maintenance obligations.

It should be noted that there will be no meeting on General Affairs and Policy of the Conference during the Diplomatic Session.

The structure of the main part of the draft Agenda (*i.e.* before the Second Reading), in respect of both Commissions, is explained as follows:

Each Commission will open with discussion of what appear to be the major outstanding issues on which consensus has yet to be reached. In some cases this involves discussion of articles which are separate but interrelated. The Agenda then proceeds, on a largely thematic basis, to other matters on which the text has not yet been fully discussed or agreed, or in respect of which comments have been made or amendments suggested.

The Second Readings involve consideration, article by article, of the complete texts of the draft Convention and draft Protocol.

The suggested timetable will be followed with a certain degree of flexibility and may need to be modified in the light of progress in the discussions.

Monday 5 November 2007

11.00 a.m.-noon Opening of the Diplomatic Session in the presence of the Netherlands Minister of Foreign Affairs, His Excellency Mr Maxime J.M. Verhagen and the Netherlands Minister of Justice, His Excellency Mr E.M.H. Hirsch Ballin

Speech by the Netherlands Minister of Foreign Affairs

Plenary:

Remarks by the President of the Session, Mr A.V.M. Struycken, President of the Netherlands Standing Government Committee on Private International Law

Election of Vice-Chairs of the Session

Remarks by the Secretary General of the Hague Conference on Private International Law

Remarks by the Deputy Secretary General of the Hague Conference on Private International Law

Establishment of Commissions I and II

noon-1.00 p.m. Reception given by the Permanent Bureau of the Hague Conference on Private International Law and performance by the Youth Choir of the International School of The Hague in the foyer of the Academy Building

Commission II

2.30-6.00 p.m. Opening of the meeting of Commission II

Information on administrative and social matters by the Permanent Bureau

Working methods, documentation and explanation of the draft Agenda for Commission II by the Permanent Bureau

Presentation of the preliminary draft Protocol on the Law Applicable to Maintenance Obligations (Prel. Doc. No 30 of June 2007) by the Reporter

- Special rule with respect to spouses and ex-spouses (Art. 5)
- Special rule on defence (Art. 6)

Tuesday 6 November 2007

Commission II

9.30 a.m.-1.00 p.m.

- Designation of the law applicable in the context of a particular proceeding (Art. 7)
- Designation of the applicable law (Art. 8)

2.30-6.00 p.m.

- Special rules with respect to children and parents (Art. 4)
- Public policy (Art. 12)
- Signature, ratification and accession (Art. 19)

Wednesday 7 November 2007

Commission II

9.30 a.m.-1.00 p.m.

- Scope (Art. 1)
- Scope of the applicable law (Art. 10)
- Reservations (Art. 24)
- Non-unified legal systems (Art. 13)
- Preamble

Commission I

2.30-6.00 p.m. Opening of the meeting of Commission I

General comments, documentation and explanation of the draft Agenda for Commission I by the Reporters and the Permanent Bureau

- Effective access to procedures, legal assistance, recovery of costs and Central Authority costs (Arts 14, 3 c), 40 and 8)

Thursday 8 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Public bodies
 - Applications by (Arts 2(4), 10 and 33)
 - Costs and access to procedures (Arts 8 and 14)
- 2.30-6.00 p.m.
- Procedure on an application for recognition and enforcement (Art. 20)
 - Registration / declaration of enforceability (paras 2-5)
 - Challenge / appeal (paras 5-9)
 - Further appeal (para. 10)
 - Documents (Art. 21)
 - Simpler / more expeditious procedures (para. 11 and Art. 46 b))

Friday 9 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Direct requests to competent authorities
 - Application for recognition and enforcement (Arts 16(5) and 34)
 - Other applications (Art. 34(1))
 - Effective access to procedures (Arts 14 and 34)
 - Authentic instruments and private agreements (Arts 16(4) and 26)
- 2.30-6.00 p.m.
- Specific functions of Central Authorities (Art. 6)
 - Requests for specific measures (Art. 7)
 - Applications (Art. 10)
 - Limit on proceedings (Art. 15)

Saturday 10 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Continuation of discussion of previous items as necessary
- 2.30-6.00 p.m.
- Available for Working Groups of Commission I / Drafting Committee

Monday 12 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Application contents (Art. 11)
 - Forms (Art. 11 and Report of the Forms Working Group, Prel. Doc. No 31)
 - Amendment of forms (Art. 49)
- 2.30-6.00 p.m.
- Transmission, receipt and processing of applications (Art. 12)
 - Transmittal Form (Prel. Doc. No 29, Annex 1)
 - Acknowledgement Form (Prel. Doc. No 31-A, Annex 1)
 - Means and costs of translation (Art. 42)
 - Means of communications – Admissibility (Art. 13)

Tuesday 13 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Bases for recognition and enforcement (Art. 17)
 - Grounds for refusing recognition and enforcement (Art. 19)
 - Enforcement by the requested State (Chapter VI)
 - Enforcement under national law (Art. 28)
 - Enforcement measures (Art. 30)
- 2.30-6.00 p.m.
- Exchange of information (Arts 5 *b*), 32 and 51)
See the Report of the Administrative Co-operation Working Group (Prel. Doc. No 34) and the draft Country Profile (Prel. Doc. No 34, Part IV)
 - Protection of information (Arts 35-37)

Wednesday 14 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Reciprocal arrangements (Art. 27)
 - Co-ordination with other instruments (Arts 44-46)
 - Non-unified legal systems (Art. 43)
 - Transitional provisions (Art. 50)
- 2.30-6.00 p.m.
- Final provisions (Chapter IX)
 - Signature, ratification and accession (Art. 52)
 - Entry into force (Art. 55)
 - Notification (Art. 60)

Thursday 15 November 2007

Commission I

- 9.30 a.m.-1.00 p.m.
- Preamble
 - Object (Art. 1)
 - Scope (Art. 2)
 - Definitions (Art. 3) (insofar as not already covered)
 - Miscellaneous
 - Physical presence of the child or applicant (Art. 25)
 - Power of attorney (Art. 39)
- 2.30-6.00 p.m.
- Monitoring and review (Art. 48)
See the Report of the Administrative Co-operation Working Group, Prel. Doc. No 34, Part II

Friday 16 November 2007

- 9.30 a.m.-1.00 p.m. *Commission I:* Continuation of discussion of previous items as necessary
- 2.30-6.00 p.m. *Commission II:* Open issues on the preliminary draft Protocol revisited

Monday 19 November 2007

- 9.30 a.m.-6.00 p.m. *Commission I:* Open issues on the preliminary draft Convention revisited

Tuesday 20 November (9.30 a.m.) to Wednesday 21 November 2007 (6.00 p.m.)

Commission I: Second Reading of the draft Convention

Thursday 22 November 2007

- 9.30 a.m.-1.00 p.m. *Commission II:* Second Reading of the draft Protocol
- 2.30-6.00 p.m. *Plenary:* Plenary Readings of the draft Convention and draft Protocol

Friday 23 November 2007

- 11.00 a.m.-noon Closing Ceremony and signing of the Final Act in the Academy Building of the Peace Palace in the presence of the Diplomatic Representatives of the Member States and invited non-Member States
- 12.00-1.00 p.m. Reception in foyer of Academy Building