

**CONCLUSIONS AND RECOMMENDATIONS OF THE COUNCIL ON GENERAL AFFAIRS
AND POLICY OF THE CONFERENCE (8-10 APRIL 2014)**

adopted by the Council

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**CONCLUSIONS ET RECOMMANDATIONS DU CONSEIL SUR LES AFFAIRES GÉNÉRALES
ET LA POLITIQUE DE LA CONFÉRENCE (8 AU 10 AVRIL 2014)**

adoptées par le Conseil

*Preliminary Document No 1 of October 2014 for the attention
of the Council of March 2015 on General Affairs and Policy of the Conference*

*Document préliminaire No 1 d'octobre 2014 à l'attention
du Conseil de mars 2015 sur les affaires générales et la politique de la Conférence*

CONCLUSIONS AND RECOMMENDATIONS OF THE COUNCIL ON GENERAL AFFAIRS AND POLICY OF THE CONFERENCE (8-10 APRIL 2014)

adopted by the Council

Ceremonies for signing and ratifying of certain Hague Conventions

1. The Council witnessed:
 - a) the deposit of the instrument of acceptance of the Statute by Singapore, and warmly welcomed this State as the 76th Member of the Hague Conference;
 - b) the deposit of the instrument of approval by the European Union of the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*;
 - c) the deposit of the instrument of accession by Brazil of the *Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*; and
 - d) the deposit of the instrument of accession by Iraq of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

Work relating to possible new instruments

Choice of law in international contracts

2. The Council welcomed the work completed by the Working Group. The Council welcomed the text of the Hague Principles and the draft Commentary. The Council requested the Working Group to undertake the editorial finalisation of the Principles in the two official languages of the Hague Conference. Members are invited to submit comments on the changes introduced in the draft Commentary after January 2014, bearing in mind the explanatory nature of the Commentary. Any comments should be submitted in writing to the Permanent Bureau by 31 August 2014. The Working Group will then review those comments and finalise the Principles and the draft Commentary in both languages, whereafter the final version of the texts will be submitted to Members for approval in a written procedure. The Principles and draft Commentary will be approved if no objection is raised within 60 days.

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

3. The Council welcomed the work carried out by the Permanent Bureau and agreed that work should continue to further explore the feasibility of drawing up a multilateral instrument in this area. To this end, the Council invited the Permanent Bureau to continue information-gathering, including obtaining further responses to Questionnaire No 1, in particular from States where international surrogacy arrangements take place. While the Council noted the support expressed by a considerable number of Members for the establishment of an Experts' Group, it decided to defer the final determination of the matter to its meeting in 2015.

Recognition and enforcement of foreign civil protection orders

4. The Council welcomed the Report of the Experts' Group meeting of February 2014 and the useful progress made in those discussions. The Council invited the Permanent Bureau to continue exploratory work, including the collection of additional statistical information and comparative information on national law using the draft Country Profile (Prel. Doc. No 4 B). The Permanent Bureau may then reconvene the Experts' Group, if necessary.

Recognition and enforcement of voluntary cross-border agreements

5. The Council welcomed the initial report of the Experts' Group meeting (Prel. Doc. No 5). The Council invited the Permanent Bureau to circulate a questionnaire and to convene another meeting of the Experts' Group 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 Council invited the Permanent Bureau to expand the composition of the Experts' Group so as to include more judges and practitioners. The Permanent Bureau will report to Council in 2015.

Judgments Project

6. The Council stressed the importance of this project and welcomed the significant progress made by the Working Group at its February 2014 meeting. The Council invited the Working Group to continue its work as set out in the February 2014 Working Group meeting Report (Annex to Prel. Doc. No 7), including a suggested plan for further steps to be taken towards the development of a Convention in this field. The Permanent Bureau will report to the Council of 2015.

Co-operation in respect of tourists and visitors abroad

7. The Council noted the proposal on co-operation in respect of protection of tourists and visitors abroad presented in Preliminary Document No 13 and discussed the possibility to undertake work on this matter. In view of the support received from a significant number of Members, the Council decided to retain this topic on the Agenda of the Hague Conference.

Other topics

8. The Council invited the Permanent Bureau to continue to follow developments in the following areas:

- a) accessing the content of foreign law and the need for the development of a global instrument in this area; and
- b) jurisdiction, applicable law, and recognition and enforcement of judgments in respect of unmarried couples, with the Permanent Bureau being invited, resources allowing, to update its Report of 2008 on this topic.

9. The Council decided to delete from the Agenda of the Hague Conference the topic concerning questions of private international law raised by the information society, including electronic commerce, e-justice and data protection.

Post-Convention services and activities

10. The Council welcomed the publication of the Apostille Handbook and the developments in the field of the electronic Apostille Program (e-APP).

11. The Council welcomed the preparatory work in relation to the next meeting of the Special Commission on the practical operation of the Service, Evidence and Access to Justice Conventions, to be held in May 2014. It took note of the lack of funds for the use of Spanish as a working language at the meeting.

12. The Council welcomed the publication of Tome II of the *Proceedings of the Twentieth Session – Judgments*.

13. 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 2015.

14. The Council welcomed the publication of the Emerging Guidelines and General Principles for Direct Judicial Communications and the growth of the International Hague Network of Judges.

15. The Council welcomed the publication of the Practical Handbook on the operation of the 1996 Child Protection Convention.

16. The Council welcomed the work accomplished by the Permanent Bureau in relation to the electronic tools under the 2007 Child Support Convention (iSupport) and the 1980 Child Abduction Convention (INCADAT, INCASTAT) and encouraged States to support the work in this area.

17. The Council welcomed the publication of the Explanatory Report on the 2007 Child Support Convention, including the Spanish version. The Council also welcomed the publication of the Practical Handbook for Caseworkers under the 2007 Child Support Convention.

18. In relation to the 1993 Inter-country Adoption Convention, the Council:

- a) welcomed the draft Note on the financial aspects of inter-country adoption and its annexes (Prel. Doc. No 8) and mandated the Experts' Group to continue its work as set out in the draft Note;
- b) welcomed the preparatory work in relation to the next meeting of the Special Commission on the practical operation of this Convention, which is scheduled for the first half of 2015; and
- c) 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 Inter-country Adoption Technical Assistance Programme Co-ordinator.

19. The Council welcomed the achievements of the Permanent Bureau in the areas of education, training and technical assistance in relation to the Hague Conventions.

Direction of the work of the Hague Conference relating to technical assistance

20. The Council welcomed the progress made by the Technical Assistance Working Group (Prel. Doc. No 10) and mandated the Working Group to reconvene, if necessary, and to finalise its Report, including a draft Strategic Framework (Prel. Doc. No 9). The Working Group will report to Council in 2015. The Council reaffirmed that longer-term funding issues should be discussed as a second step.

Working Party on Mediation in the context of the Malta Process

21. The Council welcomed the report of the Working Party on Mediation in the context of the Malta Process, as presented by the co-Chair, Mr William R. Crosbie of Canada (Info. Doc. No 4), as well as the direction for future work outlined by the co-Chair. The Council welcomed the increased engagement and activity by the members of the Working Party and agreed that the Working Party continue its work on the implementation of mediation structures and establishment of Central Contact Points, with the expectation of a further report on progress to the Council in 2015.

Regional activities of the Hague Conference

22. The Council welcomed reports provided by the Representatives of the Regional Offices for Latin America and the Asia Pacific (Info. Doc. No 1), and strongly supported further activities in those and other regions.

Governance of the Organisation

23. The Council welcomed efforts towards a restructured and efficient budget process and stressed the importance of being involved in further budget planning activities.

24. The Council decided that the forthcoming revised Handbooks on the Practical Operation of the Service and the Evidence Conventions shall be endorsed by the Council, including the possibility of a written procedure. The endorsement of future Handbooks, Guides to Good Practice and similar publications will be decided on a case-by-case basis.

25. The Council encouraged the Permanent Bureau to continue to expand the use of its video-conference equipment and other technology, as appropriate, in relation to Hague Conference activities.