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LIMITE

JUSTCIV 22

REPORT

from : The Presidency

to : K.4 Committee

Subject: Meeting between Troika, assisted by the Council Secretariat and the Commission, and representatives of the Hague Conference (Brussels, 12 March 1997)

1. The Troika, assisted by the Secretariat, and the Commission held a meeting in Brussels, on 12 March 1997, with the representatives of the Hague Conference.
2. During this meeting, the Presidency made a progress report on the state of work of judicial cooperation in civil matters within the European Union. In particular were pointed out :
 - the state of work on the draft Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil and commercial matters ;
 - the progress accomplished in the draft Convention on jurisdiction, recognition and enforcement on matrimonial matters. In this respect, the Presidency indicated that the 1996 Hague Convention ⁽¹⁾ constituted an important base to reach a certain level of agreement on Article 3, relating to custody at the moment of the dissolution of the marriage ;
 - the launching of discussions in the immediate future on the necessity and possibility of drawing up a European enforcement order and a Convention on the law applicable to extra-contractual obligations.

⁽¹⁾ Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (19 October 1996).

3. The Hague Conference gave an overview of the current work carried out by the Conference and in particular on :
- the meeting on the functioning of the Convention of 25 October 1980 on the Civil Aspects of International Child abduction (The Hague, 17-21 march 1997);
 - the preparatory work on the worldwide Exequatur draft Convention (The Hague, the 17-27 June 1997). In this regard, the Permanent Bureau of the Hague Conference did not exclude the possibility to start drafting some aspects of the future draft Convention already in this June meeting ;
 - work carried out concerning the protection of adults. An expert meeting will be held in April and the special Commission will meet on 3 to 17 September 1997. The Commission and the Council Secretariat were invited to examine whether they were in a position to supply information on this item ;
 - work in preparation relating to conflict of jurisdiction, applicable law and cooperation in the field of civil liability for environmental damage.
4. At the request of the representatives of the Hague Conference, there was an exchange of views on the relationship between the work carried out by the Hague Conference and that of the European Union. In this respect, the Hague Conference stressed that cooperation between the European Union and the Hague Conference would be advantageous and effective from the point of view of sharing knowledge, as well as from the point of view of reducing costs.

The Presidency :

- indicated that in the most recent proposals within the IGC, it was proposed to deal with private international law in the third pillar. There was also a proposal to simplify the cooperation in the third pillar with international organisations like the Council of Europe and the Hague Conference;
- explained that the Hague Conference has already been in a privileged position by having regular meetings with the Troika and the Commission, a position which other organisations like the Council of Europe until now have not. However, it would be a matter for the IGC to make a decision on formal cooperation within the context of Treaty amendment.

As to the organisation of seminars, the Grotius or the Phare programs may possibly offer some financial support. The Hague Conference was advised to contact the Commission on this point.

5. The question was raised whether The Hague Conference Conventions can be said to be a part of the "acquis communautaire". The Presidency took note of this suggestion and noted that the conventions were of interest to the Member States. However, the Presidency expressed its interest in identifying the reasons why the Member States of the European Union have not ratified some of the Hague Conventions and to study the ways to move forward in respect of some of them.

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