



- UIHJ and the Work of the HCCH:
 - *1965 Service and 2019 Judgments Conventions*

UIHJ

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2019 Judgments Convention

*Convention of 2 July 2019 on the Recognition and
Enforcement of Foreign Judgments in Civil or
Commercial Matters*

History of the Judgments Project



Early Stages

1990s: Proposal is made to develop a comprehensive instrument on jurisdiction and recognition and enforcement

2001: Project was suspended

2005: 2005 Choice of Court Convention is concluded

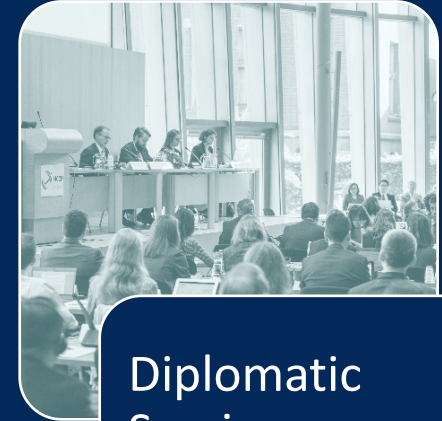


Development

2011: Experts' Group begins assessing the possible merits of continuing the Judgments Project

2013-2015: Working Group meets to prepare a draft text for deliberation at the Special Commission

2016-2018: Four Special Commission meetings are held to negotiate the Draft Convention



Diplomatic Session

June 2019: HCCH Members and observers come together for a final round of negotiation

2 July 2019: Consensus is reached, and the Judgments Convention is adopted

Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters



Objectives

The Judgments Convention aims to...

- **enhance access to justice for all,**
- **promote international trade and investment and mobility**

Ensuring
meaningful
judgments

Reducing
duplicate
proceedings

Reducing costs,
timeframes

Allowing
informed
choices

In a nutshell

The Judgments Convention:

- sets up a **common framework** for the recognition and enforcement at the international level
 - a potential **GAME CHANGER** for cross-border dispute resolution
- provides a set of **commonly-accepted rules** for R&E of judgments across jurisdictions
- is a **complementary instrument** to the HCCH 2005 Choice of Court Convention

General Features

The Judgments Convention:

- deals only with **recognition and enforcement** of foreign judgments between Contracting States (Art. 1(1))
- does **not** allow **review** of **the merits** (Art. 4(2))
- does not prevent R&E under national law (Art. 15), thus it sets a **floor, not a ceiling**, for R&E

(note: Art. 6 contains one exception to this rule)

Operation

1. Is the judgment within scope?



2. Is the judgment eligible for recognition and enforcement?



3. Is there a reason to refuse recognition and enforcement?

To determine whether a judgment can circulate under the Convention, **three questions** need to be answered.

Scope

Civil or commercial matters (Art. 1(1))

Exclusion in Art. 2(1) to:

- **avoid overlap with other (HCCH) Conventions**: e.g., family law matters, insolvency, arbitration
- **respond to different sovereign, economic and culture diversities**, e.g., defamation, privacy, IP, activities of armed forces, law enforcement activities

Judgments are:

- given by a **court** in a Contracting State (Art. 1(2))
- on the **merits**, incl. (non-)monetary, declaratory, default judgments, cost orders
- **no interim measure** (Art. 3(1)(b))
- having effect or is enforceable in the State of origin (Art. 4(3))

Articles 5 and 6 (exhaustive list)

“indirect jurisdiction” or “jurisdictional filter”

- the court addressed needs to assess whether the judgment **fulfils the jurisdictional filters** set out in the Convention
- they are **commonly-accepted** grounds of “indirect jurisdiction”
- they **reflect** certain **connections** with the State of origin, such as
 - ✓ habitual residence of the defendant
 - ✓ the place of immovable property is located
 - ✓ submission
 - ✓ etc.

Eligibility

An exhaustive list, but not mandatory

Article 7

- **Traditional grounds**: defective service, fraud, public policy and procedural fairness, inconsistent judgments
- In contradiction with **designated court** in agreement or trust document
- **pending** proceedings (same parties/same subject matter) before a court of the requested State

Article 10 punitive damages

Article 8(2) preliminary question

if the judgment is based on a **preliminary question** dealing with an excluded matter (Art. 8(2))

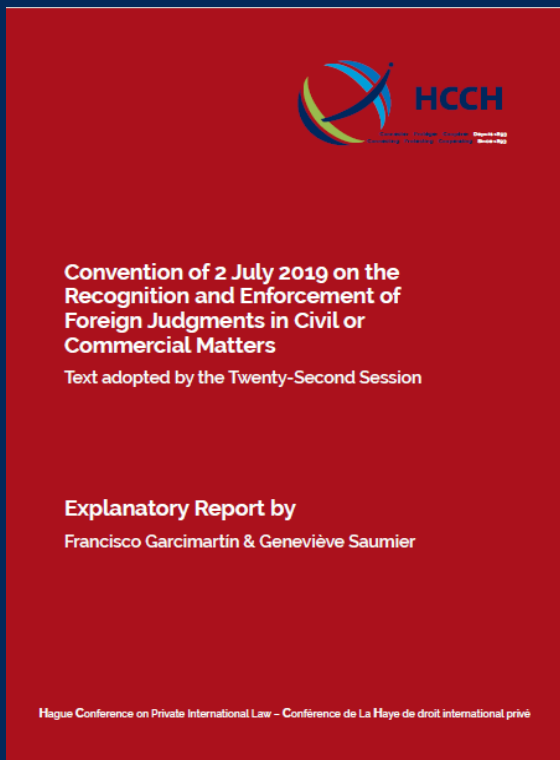
Grounds
for refusal

R&E Procedure

Art. 13 Procedure

- governed by **the law of the requested State** unless this Convention provides otherwise.
- The court of the requested State shall act **expeditiously**.

Uniform Interpretation



RECOMMENDED FORM
UNDER THE CONVENTION OF 2 JULY 2019 ON THE
RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS
IN CIVIL OR COMMERCIAL MATTERS
("THE CONVENTION")

Recommended form containing information about the existence, issuance and content of a judgment given by the court of origin for the purposes of recognition and enforcement in another Contracting State under the Convention¹

1. DETAILS OF THE COURT OF ORIGIN

Name of Court
City (and state / province, if applicable)
Country

2. COURT OF ORIGIN CASE REFERENCE / DOCKET NUMBER

3. PARTIES

3.1 Contact information of the claimant(s)

Claimant(s):
Address:
Telephone:
Fax (if applicable):
E-mail (if applicable):

3.2 Contact information of the defendant(s)

Defendant(s):
Address:
Telephone:
Fax (if applicable):
E-mail (if applicable):

4. JUDGMENT

Status and Way Forward

- **Not yet in force** (Art. 28 (1) requiring **TWO** approvals, ratifications or accessions)

Three signatories: Uruguay, Ukraine and Israel

- Progress in **Brazil, EU, Russia** and **Uzbekistan**
- **Working Group on jurisdiction** is mandated to draft provisions with respect to jurisdiction, including, concurrent proceedings.
 - two meetings are planned before March 2022



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- Protection of Children



- Access to Justice
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- Judgments
- Service



- Choice of Law in Contracts
- Securities
- Trusts



The *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (HCCH 2019 Judgments Convention) facilitates the effective international circulation of judgments in civil or commercial matters. By setting forth commonly accepted conditions for recognition and enforcement—and agreed grounds for refusal—the Convention provides legal certainty and predictability to parties involved in cross-border transactions, providing clarity as to whether and to what extent a judgment will be recognised and enforced in another jurisdiction. By ensuring the recognition and enforcement of foreign judgments, the Convention enhances access to justice by reducing legal timeframes, costs and risks in cross-border circumstances. The Convention generally strengthens a positive national and international environment for multilateral trade, investment, and mobility.

This specialised section contains a range of information on the Convention, including its full text, current status and explanatory documents.

Text of the Convention

Translations

Explanatory Report

Recommended Form

Contracting Parties[Specialised Section](#)[Full text](#)[Status table](#)[Authorities](#)[Model Forms](#)[HCCH Publications](#)[Translations](#)[Bibliography](#)[Preparatory work](#)[Miscellaneous](#)

22nd Diplomatic Session

Adoption of the 2019 HCCH Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

[Albanian subtitles](#) | [Macedonian subtitles](#) | [Bosnian-Croatian-Serbian-Montenegrin subtitles](#)



Convention of 2 July 2019 on the
Recognition and Enforcement of
Foreign Judgments in Civil or
Commercial Matters

Text adopted by the Twenty-Second Session

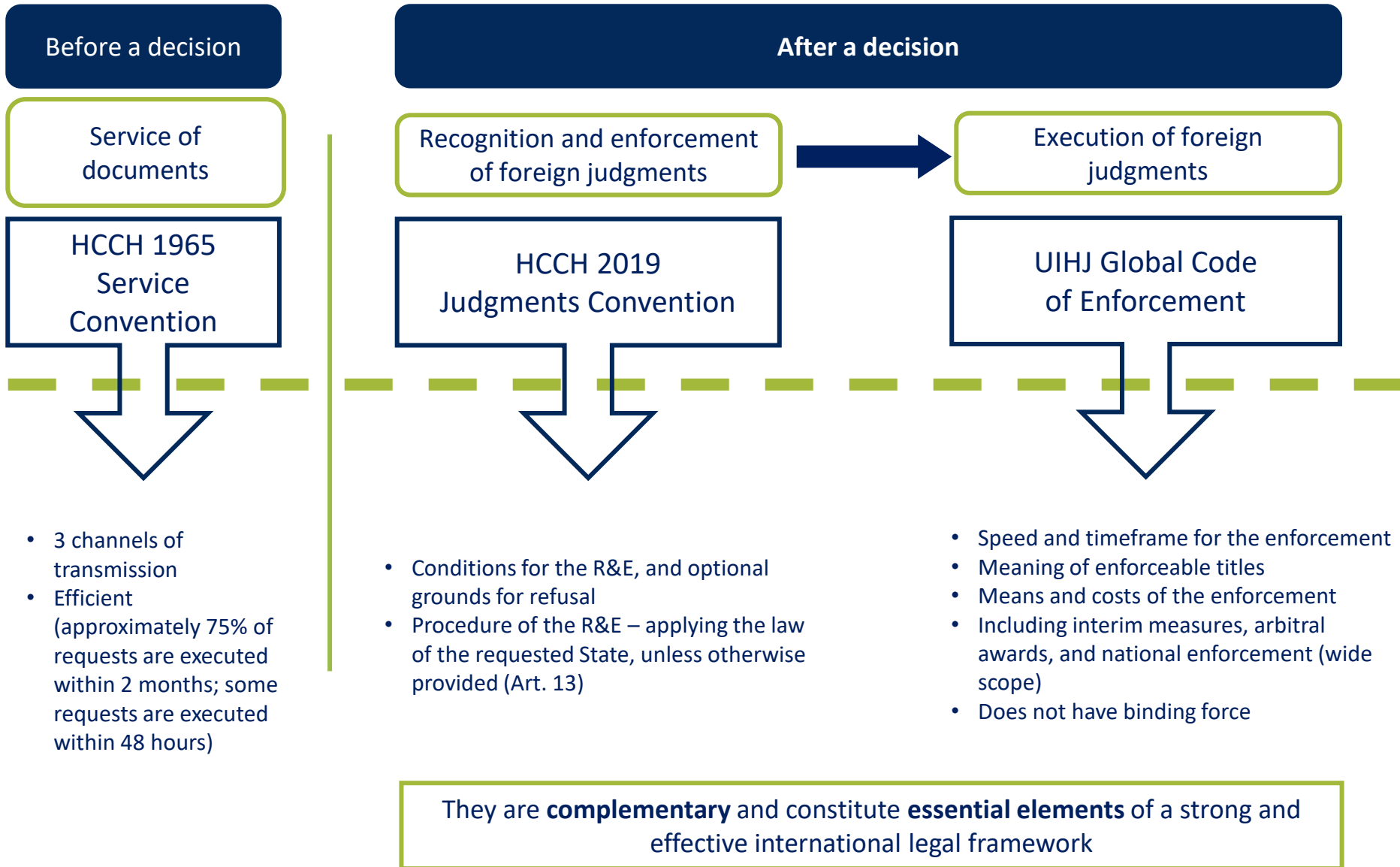
Explanatory Report by

Francisco Garcimartín & Geneviève Saumier



The Work of
the HCCH and
the UIHJ

Complementarity





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