

An Update on the Draft Hague Convention on Exclusive Choice of Court Agreements

The Department of Justice published a [Consultation Paper](#) on the draft Hague Convention on Exclusive Choice of Court Agreements in January 2004.

The aim of the draft Convention is to facilitate the recognition and enforcement of civil and commercial judgments which are based on an exclusive choice of court agreement. The basic premise of the Convention is that if an exclusive choice of court agreement is valid in accordance with the law of the chosen forum, the resulting judgment given by the chosen court should be recognised and enforced in any Contracting Party to the Convention.

A meeting of the Special Commission of the Hague Conference on this subject was held in April 2004. The text of the draft Convention was further refined although no substantive changes have been made to the object and scope of the Convention. At the end of the meeting in April 2004, a revised text of the Convention was produced.

In December 2004, a [report](#) written by the two rapporteurs of the Special Commission which serves as commentaries to the revised text was circulated by the Hague Conference. The revised draft Convention can also be found in the report.

The Hague Conference will convene a diplomatic conference in June 2005 to conclude the negotiation of the draft Convention. Hong Kong will be represented by Government lawyers who will attend the conference as members of the Chinese delegation¹.

The Department of Justice has also prepared a [concise summary](#) of the more significant changes made to the text circulated with the Consultation Paper in January 2004.

If you have further views and comments on the revised draft Convention, they may be e-mailed to Mr Frank Poon at frankpoon@doj.gov.hk or faxed to him at 2877 2130 on or before 21 May 2005.

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March 2005

¹ Membership in the Hague Conference on Private International Law is limited to States.