

CCBE STATEMENT ON THE HAGUE CONVENTION ON CHOICE OF COURT AGREEMENTS

27/02/2014

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 32 member countries and 12 further associate and observer countries, and through them more than 1 million European lawyers. The CCBE responds regularly on behalf of its members on policy issues which affect European citizens and lawyers.

In this statement the CCBE responds to steps that are currently undertaken to ratify the Hague Convention on Choice of Court Agreements¹, which was concluded on 30 June 2005.

From the very beginning, the CCBE welcomed the Hague Convention on Choice of Court Agreements² and still recognises the need in transnational transactions for enforceable choice of court agreements and the judgments resulting from these. The CCBE is convinced that this Convention will promote international trade and thus will enhance, by virtue of its uniform rules, the judicial cooperation and, even more, the enforcement of foreign judgments.

The CCBE considers the Hague Convention will benefit parties to international commercial contracts and promote transnational commerce.

As regards Article 19 concerning the possibility of States to refuse the acceptance of exclusive choice of court agreements, the CCBE considers that this may undermine the effectiveness of the Convention in promoting international trade. The CCBE thus urges the EU to press for international ratifications of the Hague Convention without Article 19 reservations.

It follows for the same reasons that also the restriction contained in Article 20 concerning declarations limiting recognition and enforcement, could prove troublesome. But there is no urgent need to change or revise this, as the number of cases affected by this Article will presumably be limited.

The CCBE therefore strongly encourages the European Union to ratify the Hague Convention on Choice of Court Agreements.

¹ See http://www.hcch.net/index_en.php?act=conventions.text&cid=98.

² See [CCBE response on the Convention on Choice of Courts Agreements](#), April 2004.