

C The following Decisions –

The Twentieth Session,

Having examined the wish of the European Community to become a Member of the Conference;

Considering it desirable that the Statute of the Conference be amended, in accordance with its Article 12, so as to make membership of the Conference possible for the European Community as well as for any other Regional Economic Integration Organisations to which its Member States have transferred competence over matters of private international law;

Considering it furthermore desirable to take the opportunity to make certain adaptations to the text of the Statute so that it conforms with practices which have developed since the Statute came into force on 15 July 1955, and to establish an English version of the Statute equally authentic to the French;

Considering that Article 12 of the Statute provides for amendment of the Statute by a decision of two-thirds of the Members, and that such decision may be made either at a Session or by written consultation;

Considering that membership of the Conference of a Regional Economic Integration Organisation entails the need to amend the "Rules of Procedure for Plenary Meetings", and that it is also desirable to give these Rules wider applicability;

1 Adopts the following amendments to the Statute with a view to their submission to Member States for their approval in accordance with Article 12^{-1,2}

Article 2, paragraph 2:

2. Any other State, the participation of which is from a juridical point of view of importance for the work of the Conference, may become a Member. The admission of new Member States shall be decided upon by the Governments of the participating States, upon the proposal of one or more of them, by a majority of the votes cast, within a period of six months from the date on which that proposal is submitted to the Governments.

Following Article 2 insert Article 2A as follows –

1. The Member States of the Conference may, at a meeting concerning general affairs and policy where the majority of Member States is present, by a majority of the votes cast, decide to admit also as a Member any Regional Economic Integration Organisation which has submitted an application for membership to the Secretary General. References to Members under this Statute shall include such Member Organisations, except as otherwise expressly provided. The admission shall become effective upon the acceptance of the Statute by

¹ Amendments appear in bold.

² English translation of the Statute of the Hague Conference taken from the *United Nations Treaty Series*, 1955, No 2997, p. 123 with small linguistic corrections.

the Regional Economic Integration Organisation concerned.

2. To be eligible to apply for membership of the Conference, a Regional Economic Integration Organisation must be one constituted solely by sovereign States, and to which its Member States have transferred competence over a range of matters within the purview of the Conference, including the authority to make decisions binding on its Member States in respect of those matters.

3. Each Regional Economic Integration Organisation applying for membership shall, at the time of such application, submit a declaration of competence specifying the matters in respect of which competence has been transferred to it by its Member States.

4. Each Member Organisation and its Member States shall ensure that any change regarding the competence of the Member Organisation or in its membership shall be notified to the Secretary General, who shall circulate such information to the other Members of the Conference.

5. Member States of the Member Organisation shall be presumed to retain competence over all matters in respect of which transfers of competence have not been specifically declared or notified.

6. Any Member of the Conference may request the Member Organisation and its Member States to provide information as to whether the Member Organisation has competence in respect of any specific question which is before the Conference. The Member Organisation and its Member States shall ensure that this information is provided on such request.

7. The Member Organisation shall exercise membership rights on an alternative basis with its Member States that are Members of the Conference, in the areas of their respective competences.

8. The Member Organisation may exercise on matters within its competence, in any meetings of the Conference in which it is entitled to participate, a number of votes equal to the number of its Member States which have transferred competence to the Member Organisation in respect of the matter in question, and which are entitled to vote in and have registered for such meetings. Whenever the Member Organisation exercises its right to vote, its Member States shall not exercise theirs, and conversely.

9. "Regional Economic Integration Organisation" means an international organisation that is constituted solely by sovereign States, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters.

Article 3:

1. The Council on General Affairs and Policy (hereafter "the Council"), composed of all Members, has charge of the operation of the Conference. Meetings of the Council shall, in principle, be held annually.
2. The Council ensures such operation through a Permanent Bureau, the activities of which it directs.
3. The Council shall examine all proposals intended to be placed on the Agenda of the Conference. It shall be free to determine the action to be taken on such proposals.
4. The Netherlands Standing Government Committee, instituted by Royal Decree of 20 February 1897 with a view to promoting the codification of private international law, shall, after consultation with the Members of the Conference, determine the date of the Diplomatic Sessions.
5. The Standing Government Committee shall address itself to the Government of the Netherlands for the convocation of the Members. The Chair of the Standing Government Committee presides over the Sessions of the Conference.
6. The Ordinary Sessions of the Conference shall, in principle, be held every four years.
7. If necessary, the Council may, after consultation with the Standing Government Committee, request the Government of the Netherlands to convene the Conference in Extraordinary Session.
8. The Council may consult the Standing Government Committee on any other matter relevant to the Conference.

Article 4:

1. The Permanent Bureau shall have its seat at The Hague. It shall be composed of a Secretary General and four Secretaries who shall be appointed by the Government of the Netherlands upon presentation by the Standing Government Committee.
2. The Secretary General and the Secretaries must possess appropriate legal knowledge and practical experience. In their appointment account shall also be taken of diversity of geographic representation and of legal expertise.
3. The number of Secretaries may be increased after consultation with the Council and in accordance with Article 9.

Article 5:

Under the direction of the Council, the Permanent Bureau shall be charged with—

- a) the preparation and organisation of the Sessions of the Hague Conference and the meetings of the Council and of any Special Commissions;
- b) the work of the Secretariat of the Sessions and meetings envisaged above;

- c) all the tasks which are included in the activity of a secretariat.

Article 6:

1. With a view to facilitating communication between the Members of the Conference and the Permanent Bureau, the Government of each of the Member States shall designate a national organ and each Member Organisation a contact organ.
2. The Permanent Bureau may correspond with all the organs so designated and with the competent international organisations.

Article 7:

1. The Sessions and, in the interval between Sessions, the Council, may set up Special Commissions to prepare draft Conventions or to study all questions of private international law which come within the purpose of the Conference.
2. The Sessions, Council and Special Commissions shall, to the furthest extent possible, operate on the basis of consensus.

Article 8:

1. The budgeted costs of the Conference shall be apportioned among the Member States of the Conference.
2. A Member Organisation shall not be required to contribute in addition to its Member States to the annual budget of the Conference, but shall pay a sum to be determined by the Conference, in consultation with the Member Organisation, to cover additional administrative expenses arising out of its membership.
3. In any case, travelling and living expenses of the delegates to the Council and the Special Commissions shall be payable by the Members represented.

Article 9:

1. The budget of the Conference shall be submitted each year to the Council of Diplomatic Representatives of the Member States at The Hague for approval.
2. These Representatives shall also apportion among the Member States the expenses which are charged in that budget to the latter.
3. The Diplomatic Representatives shall meet for such purposes under the chairmanship of the Minister of Foreign Affairs of the Kingdom of the Netherlands.

Article 10:

1. The expenses resulting from the Ordinary and Extraordinary Sessions of the Conference shall be borne by the Government of the Netherlands.

2. In any case, the travelling and living expenses of the delegates shall be payable by the respective Members.

Article 11 (French text only; no change in the English translation):

Les usages de la Conférence continuent à être en vigueur pour tout ce qui n'est pas contraire au présent Statut ou aux Règlements.

Article 12:

1. Amendments to the Statute must be adopted by consensus of the Member States present at a meeting concerning general affairs and policy.

2. Such amendments shall enter into force, for all Members, three months after they are approved by two thirds of the Member States in accordance with their respective internal procedures, but not earlier than nine months from the date of their adoption.

3. The meeting referred to in paragraph 1 may change by consensus the periods of time referred to in paragraph 2.

Article 13:

To provide for their execution, the provisions of the present Statute will be complemented by Regulations. The Regulations shall be established by the Permanent Bureau and submitted to a Diplomatic Session, the Council of Diplomatic Representatives or the Council on General Affairs and Policy for approval.

Article 14, paragraph 3:

3. The Netherlands Government shall, in the case of the admission of a new Member, inform all Members of the declaration of acceptance of that new Member.

Article 15, paragraph 2:

2. Notice of the denunciation shall be given to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiration of the budgetary year of the Conference, and shall become effective at the expiration of the said year, but only with respect to the Member which has given notice thereof.

Following Article 15, add:

The English and French texts of this Statute, as amended on 200., are equally authentic.

Authorises the Secretary General to renumber the amended Articles.

2 Adopts the English version of the Statute appearing in the Annex equally authentic to the French text, and

Decides that it shall take effect from the date on which the amendments of the Statute enter into force.

3 Adopts the following procedure for the aforementioned amendments to come into force –

The Secretary General shall invite the Member States to cast their votes on the amendments in accordance with Article 12 of the Statute in writing, if possible within a period of nine months following the Session, by notification to the Permanent Bureau.

Once the votes needed to constitute a two-thirds majority have been received, but not before 31 March 2006, the Secretary General will draw up a *procès-verbal* specifying the Member States which have cast their votes and declaring that the amendments have been approved.

The date of the entry into force of the amendments will be the first day of the month following the expiration of three months after the date of the *procès-verbal*.

4 Adopts the following amendments to the “Rules of Procedure for Plenary Meetings” to apply to the Diplomatic Sessions of the Conference as well as to the meetings of the Council referred to in Article 3 of the Statute (as amended) and to those of Special Commissions –

Title:

Rules of Procedure

Article 1:

For both plenary and commission meetings, delegations of the majority of the States participating at the Diplomatic Session shall constitute a quorum. This provision shall be applied *mutatis mutandis* to meetings of the Council on General Affairs and Policy and of Special Commissions.

Following Article 1, insert Article 1A as follows –

To the furthest extent possible, all decisions shall be taken by consensus. If exceptionally it is not possible to attain consensus, decisions shall be taken by vote in accordance with the following rules.

Article 2, paragraph 2:

A Member Organisation may exercise on matters within its competence, in any meetings of the Conference in which it is entitled to participate, a number of votes equal to the number of its Member States which have transferred competence to the Member Organisation in respect of the matter in question, and which are entitled to vote in and

have registered for such meetings. Whenever the Member Organisation exercises its right to vote, its Member States shall not exercise theirs, and conversely.

Article 4:

The Conference shall vote by show of hands or, if the Chairman or any delegation so requests, by roll call. The roll call shall be taken in the alphabetical order of the French names of the States or Member Organisations participating in the Conference, beginning with the delegation designated by the Chairman. The name of each delegation shall be called in any roll call vote and one of its members shall reply "for", "against" or "abstention", or shall make known his or her choice if two opposing proposals are put before the Conference.

Decides that these amendments shall enter into force on the date of entry into force of the amendments to the Statute.

5 Takes note with satisfaction, of the assurance given by the European Community that it will, on the occasion of its acceptance of the Statute, deposit a written declaration to the following effect –

a) The European Community endeavours to examine whether it is in the interest of the Community to join existing Hague Conventions in respect of which there is Community competence. Where this interest exists, the European Community, in co-operation with the Hague Conference, will make every effort to overcome the difficulties resulting from the absence of a clause providing for the accession of a Regional Economic Integration Organisation to these Conventions.

b) The European Community endeavours to make participation possible of representatives of the Permanent Bureau of the Conference in meetings of experts organised by the European Commission where matters of interest to the Conference are being discussed.

6 **Decides** that a meeting on general affairs and policy to take a decision upon the admission of the European Community in accordance with the amended Statute will be convened shortly after the entry into force of the amendments and that the next meeting of the Special Commission on General Affairs and Policy in the Spring of 2006 should assess the progress made in respect of the above procedure.

STATUTE OF THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW¹

(Entered into force 15 July 1955. Amended on 200.)

The Governments of the countries hereinafter specified:

the Federal Republic of Germany, Austria, Belgium, Denmark, Spain, Finland, France, Italy, Japan, Luxembourg, Norway, the Netherlands, Portugal, the United Kingdom of Great Britain and Northern Ireland, Sweden and Switzerland;

In view of the permanent character of the Hague Conference on Private International Law;

Desiring to stress that character;

Having, to that end, deemed it desirable to provide the Conference with a Statute;

Have agreed upon the following provisions:

Article 1

The purpose of the Hague Conference is to work for the progressive unification of the rules of private international law.

Article 2

1. Members of the Hague Conference on Private International Law are the States which have already participated in one or more Sessions of the Conference and which accept the present Statute.
2. Any other State, the participation of which is from a juridical point of view of importance for the work of the Conference, may become a Member. The admission of new Member States shall be decided upon by the Governments of the participating States, upon the proposal of one or more of them, by a majority of the votes cast, within a period of six months from the date on which that proposal is submitted to the Governments.
3. The admission shall become effective upon the acceptance of the present Statute by the State concerned.

Article 2A

1. The Member States of the Conference may, at a meeting concerning general affairs and policy where the majority of Member States is present, by a majority of the votes cast, decide to admit also as a Member any Regional Economic Integration Organisation which has submitted an application for membership to the Secretary General. References to Members under this Statute shall include such Member Organisations, except as otherwise expressly provided. The admission shall become effective upon the acceptance of the Statute by the Regional Economic Integration Organisation concerned.
2. To be eligible to apply for membership of the Conference, a Regional Economic Integration Organisation must be one constituted solely by sovereign States, and to which its Member States have transferred competence over a range of matters within the purview of the Conference, including the authority to make decisions binding on its Member States in respect of those matters.
3. Each Regional Economic Integration Organisation applying for membership shall, at the time of such application, submit a declaration of competence specifying the matters in respect of which competence has been transferred to it by its Member States.
4. Each Member Organisation and its Member States shall ensure that any change regarding the competence of the Member Organisation or in its membership shall be notified to the Secretary General, who shall circulate such information to the other Members of the Conference.
5. Member States of the Member Organisation shall be presumed to retain competence over all matters in respect of which transfers of competence have not been specifically declared or notified.

¹ As of 30 June 2005, in addition to the founding Member States mentioned in the Preamble, the following States have accepted the Statute: Albania, Argentina, Australia, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, People's Republic of China, Croatia, Cyprus, Czech Republic, Egypt, Estonia, Georgia, Greece, Hungary, Iceland, Ireland, Israel, Jordan, Republic of Korea, Latvia, Lithuania, Malaysia, Malta, Mexico, Monaco, Morocco, New Zealand, Panama, Paraguay, Peru, Poland, Romania, Russian Federation, Serbia and Montenegro, Slovak Republic, Slovenia, South Africa, Sri Lanka, Suriname, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United States of America, Uruguay, Venezuela.

6. Any Member of the Conference may request the Member Organisation and its Member States to provide information as to whether the Member Organisation has competence in respect of any specific question which is before the Conference. The Member Organisation and its Member States shall ensure that this information is provided on such request.
7. The Member Organisation shall exercise membership rights on an alternative basis with its Member States that are Members of the Conference, in the areas of their respective competences.
8. The Member Organisation may exercise on matters within its competence, in any meetings of the Conference in which it is entitled to participate, a number of votes equal to the number of its Member States which have transferred competence to the Member Organisation in respect of the matter in question, and which are entitled to vote in and have registered for such meetings. Whenever the Member Organisation exercises its right to vote, its Member States shall not exercise theirs, and conversely.
9. "Regional Economic Integration Organisation" means an international organisation that is constituted solely by sovereign States, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters.

Article 3

1. The Council on General Affairs and Policy (hereafter "the Council"), composed of all Members, has charge of the operation of the Conference. Meetings of the Council shall, in principle, be held annually.
2. The Council ensures such operation through a Permanent Bureau, the activities of which it directs.
3. The Council shall examine all proposals intended to be placed on the Agenda of the Conference. It shall be free to determine the action to be taken on such proposals.
4. The Netherlands Standing Government Committee, instituted by Royal Decree of 20 February 1897 with a view to promoting the codification of private international law, shall, after consultation with the Members of the Conference, determine the date of the Diplomatic Sessions.
5. The Standing Government Committee shall address itself to the Government of the Netherlands for the convocation of the Members. The Chair of the Standing Government Committee presides over the Sessions of the Conference.
6. The Ordinary Sessions of the Conference shall, in principle, be held every four years.
7. If necessary, the Council may, after consultation with the Standing Government Committee, request the Government of the Netherlands to convene the Conference in Extraordinary Session.
8. The Council may consult the Standing Government Committee on any other matter relevant to the Conference.

Article 4

1. The Permanent Bureau shall have its seat at The Hague. It shall be composed of a Secretary General and four Secretaries who shall be appointed by the Government of the Netherlands upon presentation by the Standing Government Committee.
2. The Secretary General and the Secretaries must possess appropriate legal knowledge and practical experience. In their appointment account shall also be taken of diversity of geographic representation and of legal expertise.
3. The number of Secretaries may be increased after consultation with the Council and in accordance with Article 9.

Article 5

Under the direction of the Council, the Permanent Bureau shall be charged with—

- a) the preparation and organisation of the Sessions of the Hague Conference and the meetings of the Council and of any Special Commissions;
- b) the work of the Secretariat of the Sessions and meetings envisaged above;
- c) all the tasks which are included in the activity of a secretariat.

Article 6

1. With a view to facilitating communication between the Members of the Conference and the Permanent Bureau, the Government of each of the Member States shall designate a national organ and each Member Organisation a contact organ.
2. The Permanent Bureau may correspond with all the organs so designated and with the competent international organisations.

ANNEX

Article 7

1. The Sessions and, in the interval between Sessions, the Council, may set up Special Commissions to prepare draft Conventions or to study all questions of private international law which come within the purpose of the Conference.
2. The Sessions, Council and Special Commissions shall, to the furthest extent possible, operate on the basis of consensus.

Article 8

1. The budgeted costs of the Conference shall be apportioned among the Member States of the Conference.
2. A Member Organisation shall not be required to contribute in addition to its Member States to the annual budget of the Conference, but shall pay a sum to be determined by the Conference, in consultation with the Member Organisation, to cover additional administrative expenses arising out of its membership.
3. In any case, travelling and living expenses of the delegates to the Council and the Special Commissions shall be payable by the Members represented.

Article 9

1. The budget of the Conference shall be submitted each year to the Council of Diplomatic Representatives of the Member States at The Hague for approval.
2. These Representatives shall also apportion among the Member States the expenses which are charged in that budget to the latter.
3. The Diplomatic Representatives shall meet for such purposes under the chairmanship of the Minister of Foreign Affairs of the Kingdom of the Netherlands.

Article 10

1. The expenses resulting from the Ordinary and Extraordinary Sessions of the Conference shall be borne by the Government of the Netherlands.
2. In any case, the travelling and living expenses of the delegates shall be payable by the respective Members.

Article 11

The usages of the Conference shall continue to be observed on all points, unless contrary to the present Statute or to the Regulations.

Article 12

1. Amendments to the Statute must be adopted by consensus of the Member States present at a meeting concerning general affairs and policy.
2. Such amendments shall enter into force, for all Members, three months after they are approved by two thirds of the Member States in accordance with their respective internal procedures, but not earlier than nine months from the date of their adoption.
3. The meeting referred to in paragraph 1 may change by consensus the periods of time referred to in paragraph 2.

Article 13

To provide for their execution, the provisions of the present Statute will be complemented by Regulations. The Regulations shall be established by the Permanent Bureau and submitted to a Diplomatic Session, the Council of Diplomatic Representatives or the Council on General Affairs and Policy for approval.

Article 14

1. The present Statute shall be submitted for acceptance to the Governments of States which participated in one or more Sessions of the Conference. It shall enter into force as soon as it is accepted by the majority of the States represented at the Seventh Session.
2. The statement of acceptance shall be deposited with the Netherlands Government, which shall make it known to the Governments referred to in the first paragraph of this Article.
3. The Netherlands Government shall, in the case of the admission of a new Member, inform all Members of the declaration of acceptance of that new Member.

Article 15

1. Each Member may denounce the present Statute after a period of five years from the date of its entry into force under the terms of Article 14, paragraph 1.
2. Notice of the denunciation shall be given to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiration of the budgetary year of the Conference, and shall become effective at the expiration of the said year, but only with respect to the Member which has given notice thereof.

The English and French texts of this Statute, as amended on 200., are equally authentic.

Fait à La Haye, le trente juin deux mille cinq, en un seul exemplaire qui sera déposé dans les archives du Bureau Permanent et dont une copie certifiée conforme sera remise à chacun des Gouvernements représentés à la Vingtième session de la Conférence.

Done at The Hague on the thirtieth day of June two thousand and five, in a single copy which shall be deposited in the archives of the Permanent Bureau, and of which a certified copy shall be sent to each of the Governments represented at the Twentieth Session of the Conference.

*Pour la République d'Afrique du Sud,
For the Republic of South Africa,*

*Pour la République fédérale d'Allemagne,
For the Federal Republic of Germany,*

*Pour la République argentine,
For the Argentine Republic,*

*Pour l'Australie,
For Australia,*

*Pour la République d'Autriche,
For the Republic of Austria,*

*Pour la République du Bélarus,
For the Republic of Belarus,*

*Pour le Royaume de Belgique,
For the Kingdom of Belgium,*

*Pour le Brésil,
For Brazil,*

*Pour la République de Bulgarie,
For the Republic of Bulgaria,*

*Pour le Canada,
For Canada,*

*Pour la République populaire de Chine,
For the People's Republic of China,*

*Pour la République de Corée,
For the Republic of Korea,*

*Pour la République de Croatie,
For the Republic of Croatia,*

*Pour le Royaume du Danemark,
For the Kingdom of Denmark,*

*Pour la République arabe d'Égypte,
For the Arab Republic of Egypt,*

*Pour le Royaume d'Espagne,
For the Kingdom of Spain,*

*Pour les États-Unis d'Amérique,
For the United States of America,*

*Pour la République de Finlande,
For the Republic of Finland,*

*Pour la République française,
For the French Republic,*

*Pour l'Irlande,
For Ireland,*

*Pour l'Etat d'Israël,
For the State of Israel,*

*Pour la République italienne,
For the Italian Republic,*

*Pour le Japon,
For Japan,*

*Pour la République de Lettonie,
For the Republic of Latvia,*

*Pour le Grand-Duché de Luxembourg,
For the Grand Duchy of Luxembourg,*

*Pour le Royaume du Maroc,
For the Kingdom of Morocco,*

*Pour les Etats-Unis du Mexique,
For the United Mexican States,*

*Pour le Royaume de Norvège,
For the Kingdom of Norway,*

*Pour la Nouvelle-Zélande,
For New Zealand,*

*Pour le Panama,
For Panama,*

*Pour le Royaume des Pays-Bas,
For the Kingdom of the Netherlands,*

*Pour la République du Pérou,
For the Republic of Peru,*

*Pour la République de Pologne,
For the Republic of Poland,*

*Pour la République portugaise,
For the Portuguese Republic,*

*Pour la Roumanie,
For Romania,*

*Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,
For the United Kingdom of Great Britain and Northern Ireland,*

*Pour la Fédération de Russie,
For the Russian Federation,*

*Pour la République de Slovénie,
For the Republic of Slovenia,*

*Pour le Royaume de Suède,
For the Kingdom of Sweden,*

*Pour la Confédération suisse,
For the Swiss Confederation,*

*Pour la République tchèque,
For the Czech Republic,*

*Pour l'Ukraine,
For Ukraine,*

*Pour la République du Venezuela,
For the Republic of Venezuela,*

*Le Secrétaire général,
The Secretary General,*