

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Amendments to the Statute of the Hague Conference on
Private International Law of 31 October 1951**

The Hague, 30 June 2005

Not yet in force No.
[2005] ATNIF 25

AMENDMENTS TO THE ENGLISH TRANSLATION OF THE STATUTE OF THE
HAGUE CONFERENCE, AS ADOPTED BY THE TWENTIETH DIPLOMATIC SESSION¹
ON 30 JUNE 2005

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 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.

¹ English translation of the original French text of the Statute of the Hague Conference taken from the *United Nations Treaty Series*, 1955, No 2997, p. 125, with small linguistic corrections.

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 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.

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 German Federal Republic, 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.

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, Ireland, Iceland, 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.

Article 3

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.
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 4

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 5

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 10.

Article 6

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 7

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 8

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 9

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 10

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 11

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 12

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

Article 13

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 14

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 15

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 16

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 15, 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.