



## ***Letter of the 450<sup>th</sup> anniversary of the City of Rio de Janeiro (2015)***

### ***Judgments Project***

At the **Fifth Preparatory Meeting of the ASADIP for the Annual Meeting of the Council on General Affairs and Policy of the Hague Conference** (*V Encuentro Preparatorio de la ASADIP para la Reunión del Consejo de la Conferencia de La Haya*), held on 5 and 6 March 2015 at *Pontificia Universidade Católica do Rio de Janeiro*, PUC-Rio, the members of ASADIP and other participants of the Foreign Judgments Group (*Grupo de Sentencias Extranjeras – GSE*) reaffirmed their support for the ongoing work at The Hague Conference, and;

*Taking into account* the unanimous decision of the General Meeting of ASADIP held on 26 November 2011, in Costa Rica, to adopt proactive measures to formulate **an agenda on Private International Law for the Americas** on issues of interest to the States of the region;

*Taking into account* the 2012 Letter of Rio de Janeiro and the 2014 Letter of Gavea;

*Recognizing* that the subject of recognition and enforcement of judgments currently under study in the Judgments Project, as well as the contents of the documents produced by the Working Group, namely the Report of the Fourth Meeting of the existing Working Group, February 2015, as well as of the draft for a future Convention (Preliminary Draft text, Prel. Doc. No. 7B, February 2015), are of interest to the Members of ASADIP, particularly as they affect domestic procedures

for recognition and enforcement of foreign judgments and also their circulation within the region;

*Reiterating* that the GSE has highlighted the importance of the Judgments Project and its complementary relation with The Hague Convention of 2005 on Choice of Court Agreements, the group finds that ASADIP must continue expressing its support at a regional level for the signature and ratification of the 2005 Convention, in particular in connection with the coordinated actions of The Hague Conference, the governments, local authorities, academia and interested parties;

Likewise, the group finds that ASADIP must continue to support all initiatives of The Hague Conference to advance in the development of conventions and instruments dealing with issues of indirect jurisdiction and recognition and enforcement of foreign judgments. Therefore, it is desirable that the Judgments Project is embodied in a multilateral convention, taking advantage of all the data and documents already produced and refining the topic;

### **Express their full support**

In what regards the development of the works on the Judgments Project: supporting particularly the extension of the current mandate of the Working Group, with the following RECOMMENDATIONS:

- 1) It is important that the Working Group take into account the possibility of discussing the inclusion of a general clause protecting exclusive jurisdiction in the text of the future Convention (Preliminary Draft);
- 2) It is necessary to accentuate the simplified procedures for the legalization of judgments on the text of the future Convention; and
- 3) It is necessary to provide for the implementation of existing agreements and arrangements of legal cooperation

in civil and commercial matters which are more favorable to the circulation of judgments;

4) It is important that the issue of consumer protection be independently discussed in the forum of The Hague Conference on Private International Law, due to the acknowledged vulnerability of consumers, in such a way that the issue should be excluded from the scope of the future Convention; in this sense it is suggested that The Hague Conference keeps in the Preliminary Draft an approach similar to the one adopted in the 2005 Hague Convention on Choice of Court Agreements.

### **Undertake to**

Contribute – within the agenda of Private International Law - to the work of The Hague Conference to reach consensus on the issue of Recognition and Enforcement of Judgments; and encourage discussion of the subject by American States and specialists in the field.

Rio de Janeiro, 6 March 2015.

**José Antonio Moreno Rodriguez**  
**Presidente**