



Consumers International

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CONSUMER DIALOGUE DES CONSOMMATEURS

June 15, 2001

**Open letter to the delegates of The Hague conference
on Private International Law**

*Nineteenth session, part one concerning a convention on Jurisdiction and Foreign
Judgements in Civil and commercial matters*

Dear delegates,

The “opt-in” approach to special jurisdictional rules regarding consumer contracts in the draft Hague Convention on Jurisdiction and Enforcement of Judgements, advocated by some parties, is not acceptable to consumer groups.

Since the informal meeting in Ottawa in February 2001, the balance has clearly shifted from an agreement on retaining provisions ensuring essential access to justice for consumers to making such provisions an optional part of the framework of jurisdiction and enforcement of judgements in civil and commercial matters.

In light of the refusal by some parties to agree to a rule invalidating choice of forum clauses in consumer contracts, a compromise was suggested in Ottawa: such countries could “opt-out” of the consumer contracts article. This compromise, however, now appears to be in danger. In particular, countries opposed to the consumer protection rule now want the default to be no such protection, so that they need not explicitly renounce the consumer protection article.

We are extremely disturbed by these recent developments in The Hague, as they serve to reward those who choose a less consumer-friendly approach than is the norm in many member countries. The suggested “compromise” is, in our view, no compromise at all. It would mean capitulating to countries that favour business over consumer interests.

We therefore ask the delegates to the Hague Conference to:

- Ensure that the default rule in the Convention is to allow consumers access to their own courts for disputes regarding consumer contracts entered into from their jurisdiction; and
- Ensure that the default rule favours recognition and enforcement of judgements obtained by consumers who take advantage of their jurisdictional rights under the Convention.

Yours sincerely

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