



**MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU ROYAUME DES PAYS-BAS
LA HAYE**

CONVENTION SUR LES ACCORDS D'ÉLECTION DE FOR
(La Haye, le 30 juin 2005)

Notification conformément à l'article 34 de la Convention

ADHÉSION

Royaume Uni, 28-12-2018

Conformément à l'article 31, deuxième paragraphe, sous a, la Convention entrera en vigueur pour le Royaume Uni le 1^{er} avril 2019.

La Haye, le 2 janvier 2019

Les notifications dépositaires sont accessibles en ligne sur le site Web du Ministère des Affaires étrangères du Royaume des Pays-Bas, à l'adresse <https://treatydatabase.overheid.nl>

XXXVII Élection de for No. 01/2019



**MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THE NETHERLANDS
THE HAGUE**

**CONVENTION ON CHOICE OF COURT AGREEMENTS
(The Hague, 30 June 2005)**

Notification pursuant to Article 34 of the Convention

ACCESSION

United Kingdom, 28-12-2018

The Convention will, in accordance with its Article 31, second paragraph, sub-paragraph a, enter into force for the United Kingdom on 1 April 2019.

With the following declarations:

The United Kingdom of Great Britain and Northern Ireland declares, in accordance with Article 21 of the Convention, that it will not apply the Convention to insurance contracts, except as provided for in paragraph 1 below:

1. The United Kingdom of Great Britain and Northern Ireland will apply the Convention to insurance contracts in the following cases:

- (a) where the contract is a reinsurance contract;
- (b) where the choice of court agreement is entered into after the dispute has arisen;
- (c) where, without prejudice to Article 1 (2) of the Convention, the choice of court agreement is concluded between a policyholder and an insurer, both of whom are, at the time of the conclusion of the contract of insurance, domiciled or habitually resident in the same Contracting State, and that agreement has the effect of conferring jurisdiction on the courts of that State, even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State;
- (d) where the choice of court agreement relates to a contract of insurance which covers one or more of the following risks considered to be large risks:
 - (i) any loss or damage arising from perils which relate to their use for commercial purposes, of, or to:
 - (a) seagoing ships, installations situated offshore or on the high seas or river, canal and lake vessels;
 - (b) aircraft;
 - (c) railway rolling stock;
 - (ii) any loss of or damage to goods in transit or baggage other than passengers' baggage, irrespective of the form of transport;
 - (iii) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, arising out of the use or operation of:
 - (a) ships, installations or vessels as referred to in point (i)(a);
 - (b) aircraft, in so far as the law of the Contracting State in which such aircraft are registered does not prohibit choice of court agreements regarding the insurance of such risks;
 - (c) railway rolling stock;

(iv) any liability, other than for bodily injury to passengers or loss of or damage to their baggage, for loss or damage caused by goods in transit or baggage as referred to in point (ii);

(v) any financial loss connected with the use or operation of ships, installations, vessels, aircraft or railway rolling stock as referred to in point (i), in particular loss of freight or charter-hire;

(vi) any risk or interest connected with any of the risks referred to in points (i) to (v);

(vii) any credit risk or suretyship risk where the policy holder is engaged professionally in an industrial or commercial activity or in one of the liberal professions and the risk relates to such activity;

(viii) any other risks where the policy holder carries on a business of a size which exceeds the limits of at least two of the following criteria:

(a) a balance-sheet total of EUR 6,2 million;

(b) a net turnover of EUR 12,8 million;

(c) an average number of 250 employees during the financial year.

2. The United Kingdom of Great Britain and Northern Ireland declares that it may, at a later stage in the light of the experience acquired in the application of the Convention, reassess the need to maintain its declaration under Article 21 of the Convention.

With the following Note Verbale:

Her Britannic Majesty's Embassy presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to refer to the instrument of accession (the "Instrument of Accession") which it has today deposited concerning the accession of the United Kingdom of Great Britain and Northern Ireland (the "United Kingdom") to the Hague Convention of 30 June 2005 on Choice of Court Agreements (the "2005 Hague Convention").

In accordance with Article 29 of the 2005 Hague Convention, the United Kingdom is bound by the Convention by virtue of its membership of the European Union, which approved the Convention on behalf of its Member States. The United Kingdom intends to continue to participate in the 2005 Hague Convention after it withdraws from the European Union.

The Government of the United Kingdom and the European Council have reached political agreement on the text of a treaty (the "Withdrawal Agreement") on the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community. Subject to signature, ratification and approval by the parties, the Withdrawal Agreement will enter into force on 30 March 2019.

The Withdrawal Agreement includes provisions for a transition period to start on 30 March 2019 and end on 31 December 2020 or such later date as is agreed by the United Kingdom and the European Union (the "transition period"). In accordance with the Withdrawal Agreement, during the transition period, European Union law, including the 2005 Hague Convention, would continue to be applicable to and in the United Kingdom.

The European Union and the United Kingdom have agreed that the European Union will notify other parties to international agreements that during the transition period the United Kingdom is treated as a Member State for the purposes of international agreements concluded by the European Union, including the 2005 Hague Convention.

In the event that the Withdrawal Agreement is not ratified and approved by the United Kingdom and the European Union, however, the United Kingdom wishes to ensure continuity of application of the 2005 Hague Convention from the point at which it ceases to be a Member State of the European Union. The United Kingdom has therefore submitted the Instrument of Accession in accordance with Article 27(4) of the 2005 Hague Convention only in preparation for this situation. The Instrument of Accession

declares that the United Kingdom accedes to the 2005 Hague Convention in its own right with effect from 1 April 2019.

In the event that the Withdrawal Agreement is signed, ratified and approved by the United Kingdom and the European Union and enters into force on 30 March 2019, the United Kingdom will withdraw the Instrument of Accession which it has today deposited.

In that case, for the duration of the transition period as provided for in the Withdrawal Agreement as stated above, the United Kingdom will be treated as a Member State of the European Union and the 2005 Hague Convention will continue to have effect accordingly.

The Embassy of the United Kingdom of Great Britain and Northern Ireland to the Kingdom of the Netherlands avails itself of the opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

The Hague, 2 January 2019

The Depositary Notifications are accessible on the website of the Ministry of Foreign Affairs of the Kingdom of the Netherlands at <https://treatydatabase.overheid.nl>

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