

**MEMORANDUM OF UNDERSTANDING BETWEEN THE HAGUE CONFERENCE
ON PRIVATE INTERNATIONAL LAW AND THE CONFERENCE OF MINISTERS
OF JUSTICE OF IBERO-AMERICAN COUNTRIES AND THE IBERO-AMERICAN
NETWORK OF INTERNATIONAL LEGAL COOPERATION**

Preamble

The Hague Conference on International Private Law (hereinafter referred to as “the CONFERENCE”) represented by its Secretary General

And

The Conference of Ministers of Justice of Ibero-American Countries, which includes the Ibero-American Network of International Legal Co-operation (hereinafter collectively referred to as “COMJIB/IberRed”), represented by its Secretary-General

Hereinafter referred to as “the Parties”

Wishing to co-ordinate their efforts in the spirit of the Universal Declaration of Human Rights, and for the establishment, development, or support of institutions likely to contribute effectively to the improvement of justice in accordance with their respective Statutes and missions;

Recognizing that **COMJIB** is an international organization which focuses on facilitating co-operation between all 22 Ibero-American States through the promotion of public policies aimed at achieving justice; and that the General Secretariat of COMJIB is also the General Secretariat of the Ibero-American Network of International Legal Co-operation (hereinafter referred to as IberRed) which is an operational network of judges, prosecutors, government officials and Central Authorities from all IberRed States plus the Supreme Court of Puerto Rico, which endeavors to optimize international legal cooperation in criminal and civil cases.

Considering that:

The CONFERENCE is an intergovernmental organization currently composed of seventy-two Members (seventy-one Member States and the European Union), which focuses on the progressive unification of the rules of private international law;

Thirteen CONFERENCE Member States are also members of COMJIB/IberRed;

The CONFERENCE is known as the world Organization for cross-border co-operation in civil and commercial matters, international legal co-operation being one of its main areas of work and expertise;

Several Conventions of the CONFERENCE establish mechanisms to facilitate administrative and judicial co-operation between States through designated Central Authorities;

The CONFERENCE has developed and supports an operational network of Judges called the “International Hague Network of Judges”;

At a global meeting attended by more than 140 judges from 54 States on “Judicial Communications on Family Law Matters and the Development of Judicial Networks” held in Brussels on 15-16 January 2009, co-organized by the CONFERENCE and the European Commission, IberRed Member States which have designated a judge for the Hague Network but have yet to appoint a judge to IberRed, were invited to consider the designation of the same judge or judges as contact points for both networks;

Recognizing accordingly the desirability of the CONFERENCE and COMJIB/IberRed to work together in furtherance of the Parties’ mutual interests;

Have agreed on the following:

Article 1

PURPOSE

The purpose of the present Memorandum of Understanding (“MOU”) is to establish a framework for cooperation between the Parties, within their respective competencies and subject to available resources. The MOU must be executed in accordance with the Parties’ respective rules and regulations.

Article 2

CONSULTATION AND COORDINATION

1. The Parties agree to consult on matters of mutual interest when such consultations are likely to advance their common objectives and may, where appropriate, coordinate activities to this end.
2. The cooperation between the Parties may include the exchange of information, training and promotional activities, reciprocal representation at meetings, and any other activity consistent with the terms of this MOU and in which both Parties consent to cooperate.

Article 3

EXCHANGE OF INFORMATION

1. The CONFERENCE and COMJIB/IberRed agree to collectively utilize the information available to them in furtherance of their mutual objectives.
2. Subject to such arrangements as may be necessary for ensuring the accuracy of data, safeguarding proprietary and/or confidential materials and complying with all relevant national and international laws, information exchanged between the CONFERENCE and COMJIB/IberRed in the context of this MOU will be shared with the other Party as soon as possible.
3. Information exchanged between the CONFERENCE and COMJIB/IberRed in accordance with this MOU shall be used exclusively for the purpose(s) for which it was intended, absent express written consent from the other Party or unless required by law. At no time will either Party be entitled to profit from its use of information belonging to the other Party.
4. Information exchanged between the CONFERENCE and COMJIB/IberRed in accordance with this MOU shall be used exclusively for the intended recipient(s), absent express written consent from the other Party or if required by law. At no time will information exchanged in accordance with this MOU be shared with third parties who are not authorized to access such information.
5. Any information shared by the Parties shall be subject to their respective national and international rules and regulations, including those which govern the collection, processing, and retention of information.
6. When providing information, each Party shall use their best effort to ensure that it is accurate, relevant and up to date. The Parties agree that they shall not rely on or share

