

# Publications

## The impact of Brexit on court decisions

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The Brussels 1 bis Regulation, which entered into force in January 2015, facilitated the free movement of court decisions in civil and commercial matters, abolishing in particular exequatur procedures.

Due to Brexit, the European regulatory framework no longer applies from 1 January 2021 between the United Kingdom and the European Union.

From January 1st 2021, the rules of private international law will have to be applied, when the Hague Convention or bilateral agreements do not apply, and what agreements will be made.

On the applicable law, the rules will not change in France, but British courts will apply their national law.

Furthermore, after January 1st, the exequatur rules will have to be applied.

On the taking of evidence, the Hague Convention will apply.

Concerning family matters, no specific decision is foreseen. There will be no change in matrimonial property and succession regimes.

On the other hand, the rules of European law on divorce, parental responsibility and maintenance obligations will no longer apply. There will therefore be no longer any rule of lis pendens between France and the United Kingdom. Two procedures may be conducted concurrently on either side of the sea.

Regarding maintenance obligations, the Hague Protocol of 23 November 2007 ratified by the United Kingdom will be applied.

In the matter of parental responsibility, the Hague Convention of 19 October 1996 applies. It was indeed ratified by the British.

In divorce matters, on the other hand, the European Regulation Rome 3 provided for the possibility for the spouses to choose the applicable law for their divorce. This will no longer be possible.

There will remain the problem of the accession of the United Kingdom to the Lugano Convention.

Obviously, legal problems between France and the UK will develop; we are not out of the woods yet!

Of course, our firm will try to keep its clients and friends informed of the evolution of legal relationships.

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