

Brexit Policy Paper on Providing a Cross-Border Civil Judicial Cooperation Framework - a Future Partnership

The Department for Exiting the European Union has published a policy paper on providing a cross-border civil judicial cooperation framework – a future partnership paper – as part of the negotiations with the EU on Brexit. The paper outlines the United Kingdom's position on cross-border civil judicial cooperation for the time after Brexit.

The summary reads as follows:

- 1. As the United Kingdom leaves the European Union, the Government will seek a deep and special partnership with the EU. Within this partnership, cross-border commerce, trade and family relationships will continue. Building on years of cooperation across borders, it is vital for UK and EU consumers, citizens, families and businesses, that there are coherent common rules to govern interactions between legal systems.*
- 2. To this end, the UK, as a non-member state outside the direct jurisdiction of the Court of Justice of the European Union (CJEU), will seek to agree new close and comprehensive arrangements for civil judicial cooperation with the EU.*
- 3. We have a shared interest with the EU in ensuring these new arrangements are thorough and effective. In particular, citizens and businesses need to have continuing confidence as they interact across borders about which country's courts would deal with any dispute, which laws would apply, and know that judgments and orders obtained will be recognised and enforced in neighbouring countries, as is the case now.*
- 4. Cooperation with the EU is one part of the UK's global outlook in this field. The new agreement with the EU would be integral to the UK's strategy to enhance civil judicial cooperation more widely. Beyond our relationship with the EU, the UK will remain committed to maintaining and deepening civil judicial cooperation internationally, both through*

continued adherence to existing multilateral treaties, conventions and standards, and through our engagement with the international bodies that develop new initiatives in this field.

5. *The EU has presented its position on civil judicial cooperation in the context of separation. The UK is clear that it is in the interests of both the UK and the EU for cooperation in this field to continue as part of our future partnership. Nonetheless, in response, Annex A presents the UK's view of the principles that should govern the winding down of our existing relationship in the event that no agreement on a future relationship can be reached.*

Considering the EU's position on civil judicial cooperation (see post by Giesela Ruehl on conflictoflaws.net) the "future deep and special partnership" might prove to be not more than wishful thinking and we will rather see a "winding down" of existing relationships, as Annex A suggests.