

Cachia on the Brussels I Recast

Paul Cachia, who practises and lectures in Malta, has published an article on the Brussels I Recast in the last issue of the ELSA Malta Law Review.

Nearly eight years after its entry into force, the European Commission published a Proposal for a recast of the Brussels I Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The Proposal identifies a number of shortcomings in the Regulation's operation and proposes a number of amendments to improve its operation with the ultimate objective of facilitating cross-border litigation and removing the remaining obstacles to the free movement of judgments. This paper examines the proposed amendments in the jurisdictional sphere, their objective, and the manner in which they are supposed to change the existing rules. Particular emphasis is given to the proposed extension of the Regulation to jurisdiction over defendants not domiciled in a Member State which, if adopted, would have the effect of wiping out the national jurisdictional rules of the Member States in disputes falling within the domain of the Regulation. This paper also considers the Commission's proposed amendments to enhance the effectiveness of choice of court agreements together with the other proposed amendments in the jurisdictional sphere. If adopted by Parliament and Council, the new legislation would certainly lead to a more complete European codification of the rules on international jurisdiction in civil and commercial matters.

The article can be freely downloaded [here](#).