

International and Comparative Law Quarterly 67 (2018), Issue 1

The most recent issue of the International and Comparative Law Quarterly (ICLQ) features two articles relating to private international law:

Louise Merrett, The Future Enforcement of Asymmetric Jurisdiction Agreements, ICLQ 67 (2018), pp. 37-71:

Asymmetric jurisdiction clauses are clauses which contain different provisions regarding jurisdiction for each party. They are widely used in international financial markets. However, the validity of this form of agreement has been called into doubt in several European jurisdictions. Furthermore, following Brexit, there may well be an increasing focus on alternative methods of enforcement under the Hague Convention and at common law, claims for damages and anti-suit injunctions. As well as considering recent developments in the case law and the implications of Brexit, this article will emphasize that all of these questions can only be answered after the individual promises contained in any particular agreement are properly identified and construed. Once that is done, there is no reason why the asymmetric nature of a clause should be a bar to its enforcement.

Giesela Rühl, Judicial Cooperation in Civil and Commercial Matters after Brexit: Which Way Forward? ICLQ 67 (2018), pp. 99-128:

Judicial cooperation in civil and commercial matters is generally perceived to be of a rather 'specialist and technical nature'. However, for the many UK and EU citizens, families and businesses who work, live, travel and do business abroad, the current European framework for choice of law, jurisdiction and recognition and enforcement is of paramount importance. The article, therefore, explores how that framework might look like after Brexit and discusses the merits and demerits of the various ways forward.

Full texts are available via Cambridge Core.