Dickinson on European Private International Law after Brexit

Just as the Commission formally announced its refusal to give consent to the UK's accession to the Lugano Convention, Andrew Dickinson has provided a comprehensive overview on the state of Private International Law for civil and commercial matters in the UK and EU, which has just been published in the latest issue of *Praxis des Internationalen Privat- und Verfahrensrechts (IPRax)* (IPRax 2021, p. 218).

The article sketches out this 'realignment of the planets' from three angles, starting with the legal framework in the UK, which will now be based on the Withdrawal Act 2018, several other statutes and multiple pieces of secondary legislation. The latter include the *Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations*, which entail a return to the rules previously applied only to non-EU defendants, and the *Law Applicable to Contractual Obligations and Non-Contractual Obligations (Amendment etc) (EU Exit) Regulations*, which (by contrast) essentially carries over the Rome I and II Regulation. With regard to jurisdiction, the situation is of course complicated by some residual remains of the Brussels regime, some new provisions aiming to preserve certain jurisdictional advantages for consumers and employees, and the interplay with the Hague Choice of Court Convention, all of which the article also covers in detail. Interestingly, especially in the context of last week's news, Dickinson concludes the section on jurisdiction (on p. 218) as follows:

> *One might take comfort in the fact that there is nothing in the mechanisms and rules described above that is truly novel. In large part, the effect of the UK's withdrawal from the EU will be to extend to the province formerly occupied by the Brussels-Lugano regime the conflict of law rules for situations lacking an EU connection, with which many cross-border practitioners will be familiar. Some will welcome, for example, the increased role for the doctrine of forum non conveniens or the removal of fetters on the UK courts' ability to grant anti-suit injunctions. Others will see the transition to what is unquestionably a complex and piecemeal set of rules as a backward step, which nonetheless creates an opportunity to review, simplify and up- date the UK's private international law infrastructure.* ***The case for reform will grow if the UK's***

application to rejoin the 2007 Lugano Convention does not bear fruit.

The text then goes on to describe the consequent changes in EU Private International Law and the effects of these changes on third states with whom the EU has concluded international agreements.

The article links up nicely with Paul Beaumont's article on The Way Ahead for UK Private International Law After Brexit, which has just been published in this year's first issue of the Journal of Private International Law and which considers the steps the UK should take to remain an effective member of international institutions such as the Hague Conference on Private International Law. Both articles can also be read in conjunction with Reid Mortensen's contribution on Brexit and Private International Law in the Commonwealth and Trevor Hartley's article on Arbitration and the Brussels I Regulation – Before and After Brexit, which appear in the same issue.