Second Issue of the Journal of Private International Law for 2025

The third issue of the *Journal of Private International Law* was published today. It contains the following articles

Andrew Tettenborn, “English conflicts law at sea – the transfer and creation of proprietary interests in ships”

Surprisingly, the law applicable to the creation and transfer of proprietary interests in ships remains remarkably obscure as a matter of the English conflict of laws. In this article an attempt is made to investigate the relevant authorities and to reconcile them. The conclusion is that, subject to exceptions, English courts will recognise transfers if they are effective under any one or more of (1) the lex situs, (2) the law of the registry and (3) (in the case of equitable interests) English law.

Gerard McCormack, “Hands up for UK joining the Hague Judgments Convention 2019 but lukewarm on the UK returning to the Lugano Convention 2007”

This article considers the relative merits of the Hague Judgments Convention 2019 and the Lugano Convention 2007 for the UK in the post-Brexit era viewed primarily from the extent of the insolvency exceptions in both Conventions (and in the Hague Choice of Court Convention 2005) as they apply to UK schemes of arrangement and UK restructuring plans for companies. The article briefly takes account of some broader issues relating to arbitration and exclusive choice of court agreements, primarily through the lens of The Prestige litigation, before reaching a conclusion in favour of the UK having become a Party to the Hague Judgments Convention 2019 in 2025 and against the UK rejoining the Lugano Convention 2007.

Guangjian Tu and Tiezheng Yang., “The doctrine of public policy in Chinese courts’ choice of law in the modern age”

It is generally agreed that in private international law the doctrine of public policy plays a fundamentally important role in the application of foreign law and can work as a safety valve. This doctrine has also been reflected in Chinese legislation as in many other jurisdictions. However, the application of this doctrine in Chinese courts is inconsistent, which could not only lead to uncertainty but also jeopardise justice. This article examines how the doctrine of public policy has been applied in choice of law in Chinese courts since 2010 when the new Chinese choice of law codification was made. It finds that there are basically four main types of cases in which Chinese courts have applied the doctrine of public policy to exclude the application of foreign laws. After detailed analysis and reflection, it is suggested that this doctrine continue to be applied for some of those cases but not for others.

Katja Karjalainen, "Acquiring a child abroad and paths to parenthood in Finland: The difference between private adoptions and international surrogacy arrangements"

The article delves into issues of legal tourism and global justice. By referencing the Hague Adoption Convention as well as Finnish legal approaches and case law with respect to the confirmation of a child-parent relationship following private intercountry adoptions and international surrogacy arrangements (ISAs), the article elaborates on the problematics of recognition. Doubts with respect to ethical and commercial aspects of arrangements and the deprivation of rights of vulnerable individuals have been presented with respect to both cases. The article shows the paradox between the legal approaches in these two cases that both entail an independent endeavour to get a child abroad. In doing so, the article underlines how the regulatory framework built up by the Hague Adoption Convention for the area of intercountry adoptions creates more space for global justice and collective interests than non-regulation, but may, in some cases, be detrimental to individual rights and interests. Non-regulation of ISAs underlines individual rights and interests and at the same time erodes domestic legal norms.The article delves into issues of legal tourism and global justice. By referencing the Hague Adoption Convention as well as Finnish legal approaches and case law with respect to the confirmation of a child-parent relationship following private intercountry adoptions and international surrogacy arrangements (ISAs), the article elaborates on the problematics of recognition. Doubts with respect to ethical and commercial aspects of arrangements and the

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Maria Hook, "Are "extraterritorial" consumer laws anti-internationalist?"

This article asks whether extraterritorial consumer laws, defined as laws that create a risk of regulatory overlap, are anti-internationalist. Drawing on New Zealand law as a case study, the article argues that extraterritorial consumer laws may recognise intersecting but legitimate regulatory interests. If the plaintiff gets to choose the law, indirectly or directly, there is an appropriate process for identifying the applicable law based on the principle of favor laesi. In this sense, extraterritorial consumer laws do not just give effect to local interests, to be balanced with competing internationalist concerns. Rather, they themselves may reflect an internationalist approach to private international law, even if the approach is not universally adopted. The article then explores potential implications of this argument for the court's analysis of the applicable law and jurisdiction. Courts may be more willing to embrace an extraterritorial interpretation of consumer laws, and to lean into the plaintiff's ability to rely on foreign law despite local law also being applicable in principle (as has happened in New Zealand). Courts may also treat the plaintiff's choice of forum with deference when they decide whether to exercise jurisdiction on the basis of the doctrine of forum (non) conveniens.

Aleksandrs Fillers, "Venue in the Brussels Ia Regulation"

Anybody who has even superficial knowledge of EU private international law has heard about its cornerstone – the Brussels Ia Regulation. Typically, the major issue when dealing with the said regulation is to determine which Member State

can hear the dispute. However, the Brussels Ia Regulation has a second layer. In addition to rules of international jurisdiction, the Regulation, as interpreted by the CJEU, contains venue rules that determine which specific court can hear a case. This issue is far less known to courts and practitioners and often glossed over by scholars. The article aims to provide a comprehensive study of venue rules in the Brussels Ia Regulation.