



Brussels, 21 November 2017

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF CIVIL JUSTICE AND PRIVATE INTERNATIONAL LAW

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for the Commission and national judicial authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, members of the legal professions as well as other stakeholders are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.⁴

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of civil justice and private international law no longer apply to the United Kingdom. This has in particular the following consequences in the different areas of civil justice:

- **International jurisdiction:** the rules on international jurisdiction in EU instruments in the area of civil and commercial law as well as family law no longer apply to judicial proceedings in the United Kingdom and under certain circumstances (in civil and commercial cases where the defendant is domiciled in

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ For procedures and proceedings pending on the withdrawal date, the EU is trying to agree solutions for some of the situations that might arise. The relevant essential principles of the EU position in the field of judicial cooperation in civil and commercial matters have been published on the webpage: https://ec.europa.eu/commission/publications/position-paper-judicial-cooperation-civil-and-commercial-matters_en.

the United Kingdom) to judicial proceedings in the EU. International jurisdiction will be governed by the national rules of the State in which a court has been seized.

- **Recognition and enforcement:** judgments issued in the United Kingdom are no longer recognised and enforced in EU Member States under the rules of the EU instruments in the area of civil and commercial law as well as family law, and vice versa. Recognition and enforcement of judgments between the United Kingdom and an EU Member State will be governed by the national law of the State in which recognition and enforcement is sought or by international Conventions where both the EU (or EU Member States) and the United Kingdom are contracting parties.
- **Judicial cooperation procedures:** EU instruments facilitating judicial cooperation (e.g. in relation to the service of documents, taking of evidence or within the context of the European Judicial Network in Civil and Commercial Matters) no longer apply between EU Member States and the United Kingdom.
- **Specific EU procedures:** EU instruments making available specific procedures, in particular the European Payment Order Procedure or the European Procedure for Small Claims, will no longer be available in courts of the United Kingdom and will not be available in the courts of EU Member States where one or more parties are domiciled in the United Kingdom.

The website of the Commission on civil justice https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/civil-justice_en as well as the dedicated webpage of the European Judicial Network in civil and commercial matters https://e-justice.europa.eu/content_ejn_in_civil_and_commercial_matters-21-en.do provides general information concerning the field of civil justice. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Justice and Consumers