

Brexit Poses Questions for London's Litigation and Arbitration Marketplace

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PRACTICES Shipping Dispute Resolution, International Arbitration, Construction Litigation, International Franchise and Distribution, Energy Litigation, Media and Entertainment Litigation, Europe, Middle East and Africa, Offshore Oil and Gas Dispute Resolution, Oil and Gas Litigation

London has long been positioned as a leading global centre for international commercial litigation and arbitration, along with English law as the preferred choice of law for cross-border commercial (and financial) transactions. Recently competitor jurisdictions in the EU have taken steps to offer alternative specialist international commercial courts, notably in Paris where parties can litigate cross-border English law disputes, and the use of English and certain common law procedures is permitted, with the certainty that judgments will be freely enforceable across the EU. As the terms of the UK's withdrawal from the EU are still being negotiated, the regime for the enforceability of English judgments within the EU in future is at present uncertain.

The New Specialist International Chambers of the Paris Courts

On 7 February 2018, the Paris Court of Appeal, the Tribunal de Commerce and the Paris Bar signed two Protocols defining procedures applicable to all new cases brought after 1 March 2018 before the re-named International Chamber of the Paris Commercial Court, as well as a new specialist International Chamber within the Paris Court of Appeal (CICAP), which constitute a two-tier specialist international commercial division within the Paris Courts. The chambers are competent to determine cross-border commercial disputes under French law or applicable foreign law, notably relating to international commercial contracts and their termination, the carriage of goods, unfair competition, anti-competitive practices, financial instruments and securities, as well as those where parties have agreed on the jurisdiction of the Paris Courts. The CICAP is competent to determine appeals of international commercial disputes decided at first instance, as well as actions against international arbitral awards and registration procedures of international arbitral awards.

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