

Enforcing EU Judgments in England and Wales, Post Brexit

There are four regimes which govern the enforcement of foreign Judgments in the Courts of England and Wales. The applicable regime is determined by the country of origin of the Judgment:

1. The UK Regime
Judgments from Scotland or Northern Ireland
2. European Regime
Judgments from EU and certain EFTA (European Free Trade Association) countries
3. Statutory Regime
Judgments from most commonwealth countries
4. Common law Regime
Judgments from other countries, such as the USA

In light of Brexit, and following the end of the transition withdrawal period from the EU which ran from 31 January 2020 to 31 December 2020, the question has arisen of what now happens to Judgments that fall under the European regime.

The most significant EU instruments relating to jurisdiction and the enforcement of Judgments in the European regime, are the Recast Brussels Regulation, the Lugano Convention, and the Hague Choice of Court Convention.

With the transition period having come to an end on 31 December 2020, there are now two distinctions to be made.

For proceedings that were instituted on or before 31 December 2020, the enforcement of Judgments from EU/certain EFTA countries in England and Wales can still be carried out in the same way as they would have been prior to the transition period coming to an end.

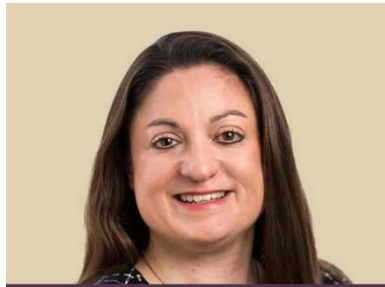
For proceedings that have been instituted after 31 December 2020, when enforcing a Judgment from EU/certain EFTA countries in England and Wales, the Recast Brussels Regulation no longer applies. We are presently awaiting guidance from Parliament on the applicability of the Lugano Convention, however with regard to the Hague Convention it is of note that during the transition period, the UK has taken steps to accede to this from 1 January 2021.

In the absence of the Conventions applying, the statutory regime and common law rules will be applicable.

Whilst changes have arisen from 1 January 2021, it very much remains the position that Judgments under the European regime can still be enforced in the Courts of England and Wales.

Rooks Rider Solicitors will provide further updates as developments continue to unfold.

If you have any concerns or queries, our Dispute Resolution team will be happy to discuss the above with you. Please contact [Gemma Newing](#) or a member of the Rooks Rider Solicitors [Dispute Resolution](#) team.



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