Preface

This third edition incorporates many developments in legislation and case-law since the publication of the second edition in 2010. At EU level, a revised version of the Brussels I Regulation, and a Regulation on Succession, have been adopted, and the case-law on the various regulations continues to grow.

Some disappointment may be felt with regard to the revised version of the Brussels I Regulation. As regards judgments, the EU Commission’s proposal to reduce drastically the exceptional cases in which recognition and enforcement may be refused by the court addressed was rightly thwarted by the Parliament and Council, but the excellent existing procedure for determining enforceability has been abolished, thus eliminating the previous harmonisation of the enforcement procedure, and probably creating confusion, delay and increased litigational costs. As regards direct jurisdiction, the Commission’s excellent proposal largely to assimilate the position of external defendants to that of internal defendants was rejected, for no convincing reason.

In general this volume endeavours to take account of sources available at the beginning of 2014, but some developments up to June 2014 have been included. The text addressing the Brussels I Regulation is expressed as if the revised version were already in force, although it will not in fact become applicable until 10th January 2015. In view of the renumbering of the provisions of the Regulation, a reference herein to, for example, ‘Article 4 (ex Article 2)’ should be understood as a reference to Article 4 of the revised version, which corresponds to Article 2 of the original version.

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