

Support for the UK's intent to accede to the Lugano Convention 2007

The UK, Norway, Iceland and Liechtenstein have today signed the EEA EFTA Separation Agreement, which largely mirrors the Withdrawal Agreement negotiated with the EU. The agreement protects the rights of 17,000 UK nationals living in the EEA EFTA states and 15,000 EEA EFTA nationals living in the UK, ensuring that at the end of the transition period they will be able to enjoy broadly the same rights as they do now.

The EEA EFTA Separation Agreement does not cover civil judicial cooperation (or 'Private International Law') matters. Private International Law matters between the UK and relevant EFTA states (in this instance Norway, Iceland and Switzerland only) are governed by the Lugano Convention 2007. This international agreement sits outside of the EEA legal framework. The UK welcomes the statements of support it has received from its EFTA partners on its intention to accede in its own right to the Lugano Convention 2007 at the end of the transition period.

Lugano Convention 2007

The Lugano Convention 2007 ('the Convention') provides certainty on which country's courts may hear a civil or commercial cross-border dispute and ensures that the resulting judgment can be recognised and enforced across borders. It helps prevent multiple court cases taking place on the same subject matter in different countries and reduces the costs and expenses for the parties involved.

This is an important convention for UK businesses, the legal services sector, individuals and families (due to the inclusion of family maintenance arrangements within its scope). The UK will continue to participate in this convention for the duration of the transition period. Our continued participation beyond then is subject to negotiation with the EU, Denmark, Iceland, Norway and Switzerland. Denmark has an 'opt-out' of justice and home affairs under relevant EU treaties, but is a contracting party to the Convention. The UK remains committed to joining the Convention in its own right.

We have received the following statements of support for the UK's intent to accede to the Lugano Convention 2007:

Iceland and Norway:

"Iceland and Norway welcome the intent of the United Kingdom (UK) to accede to the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (the 'Lugano Convention 2007') before the end of the transition period and will support a request for accession from the UK.

Should the UK not have become a party to the Lugano Convention 2007 by the end of the transition period, the UK, Iceland and Norway shall seek to agree alternative options for providing legal certainty and maintaining a framework for civil judicial cooperation. If necessary, such arrangements may consist of an orderly winding down of cooperation under the Lugano Convention 2007.

To this end, the three states agree to meet no later than six months before the end of the transition period to assess the situation and seek to agree the necessary arrangements.”

Switzerland:

“Switzerland welcomes the intent of the United Kingdom (UK) to accede to the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (the ‘Lugano Convention 2007’) and will support a request for accession from the UK.”