

## Legal update: UK ratifies 2019 Hague judgments convention

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16 July 2024

On 27 June 2024, the United Kingdom ratified the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Hague 2019). The convention will take effect from July 2025.

Joining Hague 2019 will mean UK civil and commercial judgments will be recognised and enforceable in other convention countries, currently the EU (except Denmark), Ukraine and Uruguay. This will be of particular benefit to UK businesses and individuals who deal with EU related matters. Post-Brexit, they have no longer had unfettered access to EU-wide legal frameworks to enforce their UK judgments.

That said, Hague 2019 will not assist in the enforcement of all matters. The scope of the convention does not extend to matters involving wills and succession, family law, insolvency, defamation, intellectual property and competition issues.

As full implementation of Hague 2019 approaches, several practical steps should be considered to proactively prepare for a smooth transition. The bases for recognition and enforcement are set out in the convention and at least one must be met. For example, where judgment is given by a convention state court as set out within a contract, provided there is no exclusive choice of court agreement, the judgment will be recognised and enforced in another convention state. As such, parties should ensure contracts have been reviewed and updated to ensure requisite alignment with Hague 2019.

Another basis includes where judgment is given by a convention state court in the state where performance of the obligation had been contractually agreed. If the place of performance has not been agreed, enforceability will depend on whether the place of performance is the same in accordance with the law.

Under Hague 2019, enforcement of judgments may be refused in certain circumstances. These include where the judgment was obtained by fraud or the defendant was not notified of the proceedings in sufficient time. There is no right however, to review the merits of the judgment, although the judgment may be considered as is necessary to enforce the convention.

We will continue to monitor and provide updates on Hague 2019, so do stay tuned for further insights and analysis.

This publication is a general summary of the law. It should not replace legal advice tailored to your specific circumstances.

