

The United Kingdom's failed accession

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The United Kingdom left the European Union on 31 January 2020 and ceased to be bound by the Brussels instruments and by the Lugano Convention, as a member state, at the end of the transition period on 31 December 2020. On 8 April 2020 it applied to accede to the Lugano Convention as an independent party. Accession of a state that is not a member of EFTA requires the unanimous agreement of the contracting parties under Article 72, which they are asked to give within one year.¹ Switzerland gave its consent on 11 September 2020. On 28 June 2021 the European Union declared that it was not in a position to give its consent to invite the United Kingdom to accede.² The European Commission had recommended this refusal on the ground that the Convention is a flanking measure for the internal market and the European Economic Area. In its view, the Union's policy towards third countries without such a link should be based on the Hague conventions.³

The Federal Office of Justice has explained the consequences for Switzerland. Judgments given in proceedings instituted before 1 January 2021 continue to be recognized and declared enforceable under the Lugano Convention. For later proceedings, jurisdiction and recognition between Switzerland and the United Kingdom are again governed by national law, that is, in Switzerland by the PILA.⁴ Under Article 25 PILA, a foreign judgment is recognized if the foreign authorities had jurisdiction under the indirect rules of the PILA, if the judgment is final and if there is no ground for refusal under Article 27 PILA. In practice, English money judgments remain enforceable in Switzerland, although the indirect jurisdiction test of the PILA is narrower than the Convention's rules.⁵

The United Kingdom deposited its own instrument of accession to the Hague Convention on Choice of Court Agreements of 2005 on 28 September 2020. The Hague Conference treats it as bound without interruption since 1 October 2015, when the Convention entered into force

for the European Union and, through it, for the United Kingdom. The Hague Judgments Convention of 2019 followed, entering into force for the United Kingdom on 1 July 2025. The European Union has been bound by the 2019 Convention since 1 September 2023. Switzerland is not a party to the 2019 Convention.⁶ Consider a Lugano bank or trading company with English law contracts and London jurisdiction clauses. A London judgment against an Italian counterparty can be enforced in Italy under the Hague framework where it applies, while its enforcement in Switzerland depends on the PILA. Chapter K.I returns to the competition between London, Milan and the Swiss centres that these rules influence.

1 Notes

1. Michael McParland KC, "'No Go Lugano': the EU formally withholds its consent to the UK joining the Lugano Convention 2007", 39 Essex Chambers, 2021, <https://www.39essex.com/no-go-lugano-the-eu-formally-withholds-its-consent-to-the-uk-joining-the-lugano-convention-2007/>. ↩
2. FOJ, "Impact of Brexit on the Lugano Convention", <https://www.bj.admin.ch/en/impact-of-brexit-on-the-lugano-convention>. ↩
3. European Commission, Communication COM(2021) 222 final of 4 May 2021, "Assessment on the application of the United Kingdom of Great Britain and Northern Ireland to accede to the 2007 Lugano Convention", EUR-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0222>. ↩
4. FOJ, "Impact of Brexit on the Lugano Convention" (above). ↩
5. PILA, Art. 25 and 149, at [droit-bilingue.ch](https://www.droit-bilingue.ch/de-it/2/29/291-25-34.html), <https://www.droit-bilingue.ch/de-it/2/29/291-25-34.html> and <https://www.droit-bilingue.ch/de-it/2/29/291-149-173.html>; Art. 25(c) refers to the grounds for refusal of Art. 27. ↩

6. Mayer Brown, "Hague 2019 in force in the UK: good news for commercial parties", 1 July 2025, <https://www.mayerbrown.com/en/insights/publications/2025/07/hague-2019-in-force-in-the-uk-good-news-for-commercial-parties>; HCCH, status table of the Convention of 30 June 2005 on Choice of Court Agreements, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=98> (United Kingdom: accession 28 September 2020, entry into force 1 October 2015). ↩

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