

## THE BREXIT TRIBUNAL

### A. Why do we need the BREXIT TRIBUNAL?

- After BREXIT it would be more difficult to enforce UK decisions of ordinary courts in the EU and *vice versa*, such due to the fact that the Brussels Ibis Regulation would no longer apply. The arbitration forum offers a good solution since BREXIT will not affect the application of the New York Convention, meaning that arbitral awards should continue to benefit from a strong international recognition and enforcement mechanism.
- Ordinary arbitration is not sufficiently suited to address the particularities of all BREXIT-related issues. The BREXIT TRIBUNAL allows a very pragmatic, solution-oriented and flexible approach. This perspective of '*fitting the forum to the fuss*' is much needed by the business community and allows to properly handle all arbitrable BREXIT-related conflicts.
- UK lawyers would in principle lose the possibility to represent their clients in legal proceedings in the EU and *vice versa*. However, if the litigation forum were replaced by arbitration, all lawyers would still be able to represent their clients in the other jurisdiction.

### B. Where do I find more information about the BREXIT TRIBUNAL?

- Visit the following link -> <http://www.arbitragekamer.be/arbitrale-rechtbanken/brexit-tribunal>
- A formal introduction of the BREXIT TRIBUNAL will take place on 19/02/2019, 6PM-8.30PM, guided by very high-end keynote speakers. This introduction evening will take place at the Antwerp Maritime Academy (Noordkasteel Oost 6, B-2030 Antwerp, Belgium). To reserve a place, please send an email to [secretariaat@arbitragekamer.be](mailto:secretariaat@arbitragekamer.be) (participation fee is 20 EUR).

### C. Which clause should I put in my contract to have access to the BREXIT TRIBUNAL?

- The recommended standard clause is "*Any dispute arising out or in relation to the agreement(s) between the parties and/or any dispute that can be related directly or indirectly to Brexit circumstances shall be finally settled through arbitration by the Brexit Tribunal in accordance with the International Arbitration Rules of the AKD-CAE Arbitration Institute in force at the time of commencement of arbitration.*"

Needless to say that the BREXIT TRIBUNAL is an essential part of BREXIT preparations.

For more information, don't hesitate to contact me ([Philippe.Billiet@billiet-co.be](mailto:Philippe.Billiet@billiet-co.be))