



Ministry
of Justice

The Right Honourable
Dominic Raab MP
Deputy Prime Minister
Lord Chancellor & Secretary of
State for Justice

Daniel Eames, Chair, Resolution International Committee

Alberto Perez Cedillo, International Association of Family Lawyers (IAFL), EU
Chapter President

Hannah Markham, Chair, Family Law Bar Association

91-95 Southwark Bridge Road
London
SE1 0AX

20 July 2022

Dear Daniel, Alberto and Hannah,

UK APPLICATION TO ACCEDE TO THE 2007 LUGANO CONVENTION ON JURISDICTION AND THE RECOGNITION OF JUDGEMENTS

Thank you for your letter of 4 May regarding the UK's application to accede to the Lugano Convention. Please accept my apologies for the delay in replying.

I am conscious of the benefits of Lugano membership to UK and EU/EFTA citizens, families and businesses. The UK government recognises that the Lugano Convention, including the provisions regarding family litigation and maintenance payments, helps to avoid time-consuming and costly legal procedures, prevents parallel proceedings, and ensures the reciprocal enforcement of judgments. UK accession is of particular benefit to the more vulnerable and those groups less able to fund costly cross border litigation including families. Alternative arrangements through the multilateral Hague Conventions cannot fully fill the gap which this leaves, particularly in relation to jurisdiction rules. However, the 2007 Hague Convention provides a useful framework for recognition and enforcement of family maintenance decisions with the EU and Norway. The 1973 Hague Convention fulfils a similar role with Switzerland. This government's position remains that the UK should accede to the Lugano Convention.

The UK applied for membership of the Lugano Convention on 8 April 2020 and stands ready to fully implement the Convention in UK law. UK accession requires unanimity on the part of the contracting states. Switzerland, Norway and Iceland have all consented to the UK joining Lugano, whereas on 23 June 2021 the European Commission issued a formal diplomatic note (*Note Verbale*) stating that they were "not in a position to give its consent" to the UK joining. Since then the EU has taken no further action on the UK's application. The UK's application remains pending.

I have not yet received any indication from the EU regarding when they will consider the UK's application again.

Contrary to the Commission's claim that the Convention is linked to the internal market, Lugano is an international agreement, specifically open to third parties with no requirement for single market membership. The Commission recognises this fact through its references to provisions in the Convention which enable third country participation. The UK, consequently, meets all criteria for accession and continues to make this case to relevant counterparts in EU member states and the Commission. Several member states have expressed their support for the UK's accession to the Lugano Convention, whilst others are still undecided. I and my officials continue to work to make the case for UK accession, and to establish how the EU and member states view the UK's pending application.

For the present, the UK government is working to cement and develop our preeminent position in Private International Law by exploring the possibility of bilateral and multilateral PIL frameworks with partners around the world.

I welcome your insights as experts and practitioners into the trends and practical impacts in private international family law that are emerging since the UK left the EU, and I look forward to continued engagement on the future of cooperation in private international family law between your organisations and the Ministry of Justice. My officials would be pleased to meet you to give you the opportunity to provide more evidence on impacts.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dominic Raab', with a stylized flourish at the end.

RT HON DOMINIC RAAB MP