

## Creation of an English-speaking international Commercial Court in Brussels



The Belgian Federal Government has unveiled its plans for the creation of the Brussels International Business Court (BIBC). The principle of introducing the BIBC has been approved by the Government today.(28.10.2017)

The BIBC is to be an English-speaking Belgian State court aiming at attracting Brexit related disputes as well as international commercial litigation.

Brussels is indeed less attractive as a center for litigation, because (i) the language requirements (imperative Dutch or French before the Brussels Courts), creating an important additional litigation cost and (ii) the, almost general, right to appeal any judgment, resulting in lengthy proceedings.

The already available information about the BIBC can be summarized as follows:

- The Court will be composed of a president, a vice-president, professional judges and lay judges. These lay judges will be experts in international trade law, university professors or lawyers.
- Given that judgments are to be rendered by leading experts in international trade law, there will be no possibility of appeal, which in return is said to benefit the efficiency of the procedure and the authority of the judgments.
- The entire procedure before the BBIC will be in English.
- The applicable procedural rules will be the United Nations Commission on International Trade Law (UNCITRAL) Arbitration rules and not the Belgian Judicial code.
- Parties can freely decide the law applicable between them. The BIBC is ought to be self-sufficient. Therefore, parties will have to pay substantial fees in advance to cover for the costs of the expedited procedure. However, the overall cost should be lower than the cost of arbitration proceedings.
- The BIBC should be operational by 1 January 2020 at the latest.