



COMMENTARIES ON PRIVATE INTERNATIONAL LAW THE PILIG NEWSLETTER

Co-Chairs' Notes

We are pleased to present the newest Commentaries on Private International Law (Vol. 8, Issue 1, 2025), the Newsletter of the American Society of International Law (ASIL) Private International Law Interest Group (PILIG). The primary purpose of this newsletter is to share global updates on Private International Law (PIL). We aim to provide specific and concise information on recent PIL developments that our readers can apply in their daily work. This includes updates on new laws, rules and regulations, judicial and arbitral decisions, treaties and conventions, scholarly publications, conferences, proposed legislation, and more.

This issue has two sections. Section One features four highlight segments on: Brazil's project for a General Law of International Private Law; a recent judicial interpretation development in Mainland China on party autonomy; Cyprus's bill to reform its arbitration framework; and Turkey's legislative reform governing the law applicable to employment contracts containing a foreign element.

Section two covers recent developments in PIL across Africa, Asia, Europe, Oceania, and the Americas from January 2025 to December 2025. Additionally, some developments that were not

included in the previous issue have also been incorporated into this edition to enhance completeness and integrity.

We express our sincere appreciation to our 2025 editorial team, which consists of editors from around the world:

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The chief editors are PILIG Co-Chairs George Tian (University of Technology Sydney) and Alex Hao (Jun He Law Offices), and Vice-Chair, Fádía Antunes (Wiss & Partners LLP).

PILIG is constantly looking forward to your suggestions to improve our services to our members. If you would like to contribute to the Newsletter, propose an event idea, or bring our attention to an important private international law development in your region, please contact us at George Tian George.Tian@uts.edu.au, Alex Hao haoy@junhe.com, or Fádía Antunes fadia.antunes@wisspartners.com.

*All names are listed in the given name alphabetical order. Disclaimer: all maps used in this Newsletter are for illustration purposes only with no political, legal, or other intentions.



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Highlights

Brazil Advances Toward a General Law on Private International Law

Written by: Fádía Tuma Antunes (Wiss & Partners LLP)

The Brazilian Council of Sustainable Social and Economic Development has established a committee to propose a comprehensive reform of the country's private international law (PIL) framework.

The initiative seeks to revoke the provisions on conflict of laws currently found in Articles 7–19 of Law No. 4.657/42 (the Law of Introduction to the Norms of Brazilian Law – Lei de Introdução às Normas do Direito Brasileiro or LINDB), as well as relevant provisions of the Brazilian Code of Civil Procedure, and to replace them with a General Law of Private International Law (GLPIL). The draft GLPIL currently contains 42 provisions addressing various conflict-of-laws issues.

Drawing on multiple sources –ranging from regulations of the European Union and its national legislations, the French draft code of private international law, and the private international law norms of Uruguay, Switzerland, Italy, and Tunisia– the proposal seeks to modernize Brazil's system by incorporating international best practices.

The GLPIL's proponents emphasize that an updated framework would enhance legal certainty, harmonize presently disparate legal sources, reduce transaction costs, and facilitate cross-border family, commercial, and investment relations, thereby strengthening Brazil's position and standing in the global community.

The initiative is also regarded as essential for improving international judicial cooperation and adapting to technological advancements such as artificial intelligence, blockchain, and big data, which increasingly demand strategic legal responses and foresight.

An Enduring Problem

The current provisions of the LINDB have remained virtually unchanged since their enactment in 1942 and are largely based on the corresponding provisions of Brazil's first Civil Code of 1916. Although various proposals to update the framework have been considered over the decades, none have been enacted. As a result, the LINDB has long been regarded as outdated and misaligned with the treatment of private international law adopted in most jurisdictions.

Key Issues

(1) Pluralism and fragmentation

Brazil's PIL regime is presently characterized by a plurality of sources. Relevant provisions are scattered across the LINDB, the Code of Civil Procedure, the Code of Criminal Procedure, the Brazilian Arbitration Law, and other instruments, as well as the Brazilian Constitution, which is paramount. For example, provisions on the issuance of letters rogatory, the recognition of foreign judgments, the granting of exequatur, and the extradition of individuals can be found in the Codes of Civil and Criminal Procedure, resolutions of the Superior Court of Justice and internal rules of the Supreme Court.

Brazil is also party to a wide range of international treaties covering the main areas of international legal cooperation, including extradition, mutual legal assistance, and the enforcement of foreign judgments and arbitral awards.

In the absence of a harmonized statutory framework, courts have come to rely heavily on doctrinal interpretation, which frequently diverges, resulting in legal uncertainty.

The draft GLPIL aims to codify a coherent set of rules that is at once comprehensive and efficient, to reduce the ambiguities stemming from this pluralism.

(2) Choice of law

While Brazilian law generally recognizes the principle of party autonomy, Brazil is currently one of the few jurisdictions that does not expressly recognize the parties' right to choose the governing law of their contracts.



A notable exception appears in Article 2, §§1–2 of the Brazilian Arbitration Law, which expressly allows parties to select the applicable law or to adopt general principles of law, trade usage, customs, or rules of international commerce when arbitration is chosen as the method of dispute resolution.

In the absence of such a choice, Article 9 of the LINDB provides that the law governing obligations is that of the place where they are constituted (*lex loci contractus* for agreements and *lex loci delicti commissi* for torts). The *lex loci contractus* also determines any formalities required for contract formation. Additionally, obligations to be performed in Brazil must comply with any requirements for performance under Brazilian law.

Moreover, cogent norms of Brazilian law must be observed even when foreign law is applied. For example, Brazilian consumer protection rules limit the application of foreign law where doing so would undermine the fundamental guarantees provided under the Brazilian Consumer Protection Code (CDC), such as the requirement that goods or services must be at least as safe and efficient as those offered domestically. See for example the Brazil National Case Law update at page [18].

Brazilian courts may also refuse to apply foreign law if it is deemed contrary to public policy, such as when its application would undermine principles of objective good faith. A frequently cited reason for the longstanding resistance to reform has been that unfettered recognition of party autonomy in the choice of law of contracts could be abused in situations of significant bargaining inequality between parties or in unilateral contracts, allowing for stronger parties to impose unduly advantageous foreign laws.

Some scholars argue that the principle of party autonomy is implicit in Article 9 and applies unless the parties have failed to make a choice of law. However, the prevailing view in Brazilian doctrine is that Article 9 excludes party choice altogether.

While the Brazilian Superior Court of Justice has issued decisions recognizing the validity of choice of law clauses in international agreements[1], diverging decisions –in particular at the state-level– and the lack of statutory clarity

creates legal uncertainty, which negatively affects perception of the Brazilian legal system internationally.

To mitigate these issues, parties are encouraged to sign contracts in the jurisdiction whose law the parties intend to apply to the contract or to select arbitration as the parties' chosen dispute resolution mechanism. Nonetheless, foreign counterparties frequently remain unsure to what extent Brazilian courts will respect the parties' chosen law.

The draft GLPIL directly addresses this issue by expressly recognizing the parties' express or implied choice of law as the primary factor in determining the applicable law, except where such choice would constitute an abuse of right. In the absence of a clear express or implied choice, the law of the jurisdiction most closely connected to the contract would apply. The draft also proposes to modernize current conflicts of laws rules in regard to issues of family and intellectual property laws.

(3) *Jurisdiction of Brazilian courts*

The draft GLPIL also aims to expand the treatment given by Brazilian law to choice-of-forum clauses.

Currently, such clauses are generally considered valid, although codified law is largely silent on the matter. Article 25 of the Brazilian Code of Civil Procedure provides that the jurisdiction of Brazilian courts is excluded where an international agreement designates the exclusive jurisdiction of foreign courts.[2] However, in cases of concurrent jurisdiction, Brazilian courts may still assert jurisdiction.

Under the draft GLPIL, jurisdiction clauses would be explicitly recognized, except where they conflict with public policy considerations. Notably, if adopted, the GLPIL would require the public policy exception to be interpreted more narrowly than it currently is, requiring courts to provide more detailed reasoning in line with international best practices.

Additionally, the draft allows Brazilian courts to exercise exceptional jurisdiction in instances of *forum necessitatis*, when proceedings would be impossible to carry out in a foreign jurisdiction, provided the dispute has sufficient contacts with Brazil –albeit possibly minimal. This mechanism aims to ensure access to justice for vulnerable



parties, particularly in cases involving humanitarian concerns.

Conclusion

The proposal to enact the GLPIL in Brazil represents one of the most significant attempts in decades to modernize the country's fragmented private international law framework. The initiative seeks to bring clarity and predictability to a field that has long been marked by doctrinal uncertainty and judicial inconsistency.

Led by judges, scholars, practicing jurists, and government officials, the committee has already submitted the draft for public consultation and incorporated extensive revisions.

The current draft has been approved internally in October 2025, and the committee expects to submit the text as a bill for consideration by the Brazilian Congress shortly. If adopted, the GLPIL would align Brazil's regime with international best practices, strengthen judicial cooperation, and enhance Brazil's appeal as a forum and partner in global commerce, investment, and family law matters.

The full GLPIL draft can be viewed here: <https://conflictoflaws.net/2025/draft-general-law-on-private-international-law-aims-to-bring-brazil-from-the-19th-into-the-21st-century/>

[1] See STJ decision Resp 1.280.218 MG/2011/0169279.

[2] *International agreements are understood as contracts involving connections to more than one State.*

Mainland China: Judicial Interpretation and Opinion Expand Legal Choices for Hong Kong- or Macao-Invested Enterprises

Written by: Gallant Guo (Herbert Smith Freehills Kramer)

On February 14, 2025, the Supreme People's Court (SPC) of the People's Republic of China (PRC)[1] issued a Judicial Interpretation, which is binding on all lower courts. On the same day, the SPC, together with the Ministry of Justice, also issued an Opinion, which provides

authoritative guidance generally followed in practice. These documents expand the options for Hong Kong- or Macao-invested enterprises in certain parts of Mainland China to choose the governing law of their contracts and the arbitral seat.

“Foreign-related” civil relationship and foreign-invested enterprises (FIEs) under PRC law

According to a 2012 judicial interpretation of the SPC[2], a civil relationship (e.g., a contract) is “foreign-related” when (1) either party is a foreign citizen or a foreign legal person, (2) either party has its habitual residence outside the PRC, (3) any subject matter is located outside the PRC, (4) any legal fact that establishes, changes or terminates the civil relationship happens outside the PRC, or (5) there are any other circumstances under which the civil relationship may be deemed foreign-related. Notably, the presence of an FIE party is not expressly listed as one of these circumstances.

This distinction between foreign-related and purely domestic civil relationships is particularly relevant in matters such as choice of the arbitral seat and choice of law for the reasons stated below.

Choice of arbitral seat

Although there is no explicit statutory prohibition, PRC law generally prohibits Mainland Chinese parties from submitting their disputes to arbitration seated outside Mainland China, unless the civil relationship in question is “foreign-related.”

In this regard, the judiciary made it clear in 2013 that it does not matter if a party is an FIE, because FIEs, being incorporated in the PRC, are not treated differently from “purely” Mainland Chinese companies (i.e., those without foreign investments)—both are legal entities registered in China and equally subject to Mainland Chinese law. In *Chaolaixinsheng Sports & Leisure Co., Ltd. v Suowangzhixin Investment Consultation Co., Ltd.* (SPC, [2013] Min Si Ta Zi No. 64, 18 December 2013, Beijing No.2 Intermediate People's Court, [2013] Er Zhong Min Te Zi No. 10670, 20 January 2014), the Beijing court, as approved by the SPC, declined to recognize an arbitral award rendered in South Korea in a dispute involving an FIE and a “purely” Mainland Chinese entity, on the basis that



the civil relationship was not in any way foreign-related and, therefore, the parties' agreement to submit the disputes to Korean arbitration was invalid.

This stance softened in 2015, when a Shanghai court upheld an agreement between two Mainland Chinese companies to submit the dispute to overseas arbitration in *Siemens International Trade (Shanghai) Co., Ltd. v Shanghai Golden Landmark Co., Ltd.* ([2013] Hu Yizhong Minren (Waizhong) Zi No. 2, 27 November 2015), because (1) both parties were wholly owned foreign enterprises (**WFOEs**, a certain type of FIEs) incorporated in the Shanghai Free Trade Zone (**FTZ**) and (2) the performance of the contract involved transferring the goods from abroad to the Shanghai FTZ. The court held that these circumstances constituted "other circumstances under which the civil relationship may be deemed foreign-related" (see item (5) *supra*), thereby distinguishing the transaction from an ordinary domestic sale of goods.

The SPC backed this position in its reply to the Shanghai court and went further to issue an opinion in late 2016^[3] stating that: (1) agreements between WFOEs incorporated in FTZs to arbitrate abroad should not be deemed invalid merely for the lack of foreign-related elements; and (2) where one of the contractual parties is an FIE incorporated in an FTZ and the parties agree to arbitrate their disputes abroad, a party is estopped from objecting to the validity of the arbitration agreement in the enforcement proceedings, if it did not raise such objection before the award is handed down. The trend suggests that the judiciary has gradually shifted its position and recognizes the foreign investments in either party as an element that may "internationalize" the civil relationship and justify an agreement to arbitrate abroad.

The newly issued Judicial Interpretation (Article 2) and Opinion (Article 1) build on the 2016 SPC opinion, making additional exceptions by affirming that Hong Kong- or Macao-invested enterprises incorporated in the nine cities (Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen, and Zhaoqing) which form the Mainland Chinese part of the Greater Bay Area (**GBA**) may validly designate Hong Kong or Macao as the seat of arbitration in their contracts.

Choice of governing law

Similarly, PRC law only allows parties to choose foreign law to govern a civil relationship if such relationship is "foreign-related." Again, because FIEs are entities incorporated in the PRC, they do not typically enjoy such autonomy unless their counterparty is from abroad, or the subject matter of the transaction is located outside of Mainland China. Also akin to the relaxation of restrictive rules on arbitral seats, local legislation and judicial interpretations in 2020 and 2022 have made exceptions and allowed FIEs in certain Guangdong FTZs to choose foreign laws to govern their contracts.

Article 1 of the new Judicial Interpretation further allows enterprises incorporated in Shenzhen or Zhuhai to choose Hong Kong or Macao law to govern their contracts. Given many multinational enterprises' preference for common law to govern their contracts, these new measures are particularly appealing because among the choices is Hong Kong, China's only common law jurisdiction with a sophisticated legal system.

Comments

The most obvious goal of the new Judicial Interpretation and Opinion is to give FIEs more legal choices, allowing them to use law and dispute resolution mechanisms with which they are more familiar. This benefit is specifically given to investors from Hong Kong and Macao, China's two special administrative regions. There is no shareholding threshold of the FIE—theoretically, a minimal amount of Hong Kong or Macao investment should suffice. Neither is there any "real connection" test, so enterprises from other countries are free to leverage the new measures by establishing holding companies in Hong Kong or Macao.

Another point worth noting is that parties may only choose Hong Kong or Macao law and arbitration; they may not choose any other foreign law or arbitral seat. This is in contrast with the previous documents, *e.g.*, the 2022 judicial interpretation issued by the High People's Court of Guangdong Province, which allows Hong Kong- and Macao-invested enterprises incorporated in certain FTZs to choose *any* foreign law.

China has stated its vision to promote the GBA (comprising the nine Mainland Chinese cities aforementioned, Hong



Kong, and Macao) as a diversified dispute resolution hub for Asia and the world. Read in this context, the new measures demonstrate an ambition to channel disputes within the GBA and benefit the development of law and dispute resolution of the region. In this sense, the measures are designed to serve the legal profession in the GBA as much as they do the enterprises. The practical impact of the measures remains to be fully realized, but the cities designated in the new measures may well pave the way for broader application in the future.

[1] For the purpose of this article only, “PRC” and “Mainland China” are used interchangeably and do not include Hong Kong, Macao and Taiwan.

[2] Interpretation of the SPC on Several Issues Concerning the Application of the “Law of the People’s Republic of China on the Law Applicable to Foreign-Related Civil Relationships” (I), Fashi [2012] No. 24, issued on December 28, 2012, entered into force on January 7, 2013. Available in the Compendium Of Chinese Commercial Arbitration Laws, The ICCA Reports No. 5, document 12, from p. 178, at <https://www.arbitration-icca.org/icca-reports-no-5-icca-tsinghua-university-working-group-compendium-chinese-commercial-arbitration>.

[3] Opinion of the Supreme People’s Court on Providing Judicial Safeguards for the Construction of Pilot Free Trade Zones, Fafa [2016] No. 34, entered into force on December 30, 2016. Available in the Compendium Of Chinese Commercial Arbitration Laws, The ICCA Reports No. 5, document 16, from p. 252, at <https://www.arbitration-icca.org/icca-reports-no-5-icca-tsinghua-university-working-group-compendium-chinese-commercial-arbitration>.

The Cypriot Ministry of Justice and Public Order Has Presented a Bill to Alter Cyprus’s Current Arbitration Legal Framework

Written by: Christina Heliotis (Macmillan Keck, Attorneys & Solicitors)

The Cypriot Ministry of Justice of Cyprus has presented a bill titled *The Arbitration Law of 2025*, which repeals the existing legislative framework governing commercial

arbitration in the country (Cap. 4 and Law 101/1987 on International Commercial Arbitration). The draft law draws from international models, including the UK Arbitration Act 1996, Hong Kong Cap 609, Ireland’s Arbitration Act, Greek Law 5016/2023, the UNCITRAL Model Law, and the New York Convention.

The bill is structured into nine parts:

Part I: Defines the scope of the law, applying to both domestic and international arbitration. Limits judicial intervention and sets rules for notice and procedural initiation.

Part II: Requires arbitration agreements to be in writing. Prescribes that courts must refer disputes to arbitration where such agreements exist. Covers applicable law, separability, interim relief, and legal effects in case of death of a party.

Part III: Allows parties to agree on the number of arbitrators (default is one). Regulates appointment, removal, replacement, challenge procedures, and arbitrator liability (limited to bad faith).

Part IV: Confirms the tribunal’s competence to rule on its jurisdiction and grant interim measures. Courts may also issue interim relief pre- or post-arbitration, including orders against third parties. Emergency arbitrator provisions are included.

Part V: Permits parties to agree on procedure; otherwise determined by the tribunal. Covers joinder, hearings, evidence, representation, expert use, and court assistance in evidence gathering.

Part VI: Regulates the issuance, content, correction, interpretation, and costs allocation of arbitral awards. It details conditions for terminating proceedings.

Part VII: Sets a 28-day deadline for challenging awards and restricts annulment to specific procedural or conduct-based grounds.

Part VIII: Arbitral awards are enforceable only by court order. Courts assess only procedural grounds for refusal and do not review the merits.



Part IX: Repeals the existing *Arbitration Law (Cap. 4)* and the *1987 Law on International Commercial Arbitration (Law 101/1987)*.

The bill was open for public consultation and is currently under review by the legislative committee. When enacted, it would introduce reforms designed to enhance Cyprus's appeal as a forum for cross-border commercial dispute resolution. It would also reinforce Cyprus's position as a stable, investment-friendly jurisdiction for international business and finance.

The bill titled *The Arbitration Law of 2025* is available via the e-consultation portal: <https://www.gov.cy/mjpo/diavoyleysi/nomoschedio-me-titlo-o-peri-diaitisi-as-nomos-toy-2025/>

The Annulment, on Grounds of Unconstitutionality, by the Turkish Constitutional Court of the Provision Governing the Law Applicable to Employment Contracts Containing a Foreign Element

Written by: Esra Tekin (University of Dicle)

In its decision[1] of November 5, 2024, the Constitutional Court of Turkey reviewed the constitutionality of the first and second paragraphs of Article 27 of the Turkish Act on Private International Law and the Civil Procedure of 2007 (TAPIL)[2]. Following its constitutional review, the Court annulled the first paragraph of the provision. The annulment decision entered into force on September 10, 2025. It should be noted that Article 27 of TAPIL governs the law applicable to employment contracts containing a foreign element.

In cases brought by employees taken from Turkey to be employed abroad concerning their employment-related claims, the determination of the applicable law has been frequently debated in judicial decisions, and this debate has triggered the annulment. Article 27(1) of the TAPIL was annulled on the grounds that, by allowing a choice of law, it deprived the employee, regarded as the weaker party, of the protection that would otherwise be afforded in the absence of such a choice. In its review of the contested provision, the Constitutional Court took as its point of departure the principle of protection of the weaker party, emphasizing that the State has positive obligations to ensure the protection of employees. The Constitutional Court based this conclusion

on two principal grounds. First, it held that paragraph 1, which allows for a choice of law, deprives the employee of the protection afforded by the law more closely connected to the contract as provided for in Article 27(4) of the TAPIL. Second, the Court reasoned that, due to the employee's inability to adequately assess the implications of the chosen law, this inherent vulnerability prevents the employee from benefiting from the protection that would otherwise be available in the absence of a choice of law.

The legislator introduced a new regulation to replace the annulled provision of Article 27(1) of the TAPIL through Article 18 of Law No. 7550 on the Amendment of Certain Laws, including the Law on the Execution of Criminal and Security Measures[3], and additionally amended the fourth paragraph of the same article.

Pre-Amendment version of Article 27 of the TAPIL

- (1) Employment contracts are governed by the law *chosen by the parties*, provided that the minimum level of protection afforded to the employee under the mandatory provisions of the law of the employee's habitual place of work is preserved.
- (2) In the absence of a choice of law by the parties, the employment contract shall be governed by the law of the place where the employee habitually carries out the work. Where the employee temporarily performs the work in another country, that place shall not be regarded as the habitual place of work.
- (3) Where the employee does not habitually carry out the work in any single country but performs it on a continuous basis in more than one country, the employment contract shall be governed by the law of the country in which the employer's principal place of business is located.
- (4) However, where, in light of all the circumstances of the case, the employment contract is more closely connected with another law, that law may be applied in place of the provisions set out in the second and third paragraphs.



Post-Amendment version of Article 27 of the TAPIL

- (1) Employment contracts are subject to *the law designated by the parties* in the contract, provided that the minimum level of protection afforded to the employee under the mandatory provisions of the law of the employee's habitual place of work is preserved.
- (2) In the absence of a choice of law by the parties, the employment contract shall be governed by the law of the place where the employee habitually carries out the work. Where the employee temporarily performs the work in another country, that place shall not be regarded as the habitual place of work.
- (3) Where the employee does not habitually carry out the work in any single country but performs it on a continuous basis in more than one country, the employment contract shall be governed by the law of the country in which the employer's principal place of business is located.
- (4) However, where, in light of all the circumstances of the case, the employment contract is more closely connected with another law, that law may be applied in place of the provisions of the *first, second, and third paragraphs, with the exception of the provisions of the law of the place where the work is performed that must be applied mandatorily at the time the work is carried out.*

It should be noted that the provision added to the fourth paragraph, allowing the application of the law most closely connected to the contract even where a choice of law has been made, has been subject to criticism in Turkish private international law doctrine. In other words, the concern expressed in the doctrine stems from the risk that, in practice, courts may tend to apply the *lex fori* directly, without first examining whether the chosen law is more favorable to the employee.

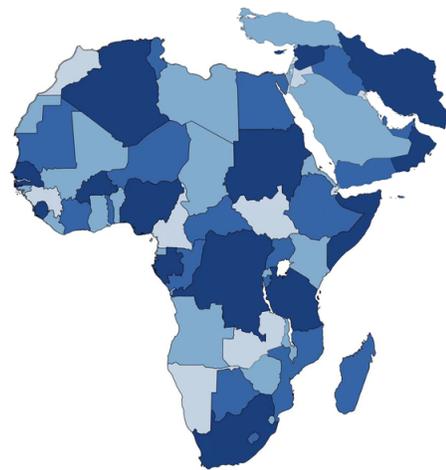
For more information, see: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5718&MevzuatTur=1&MevzuatTerip=5>

[1] Turkish Constitutional Court, Registration No. 2023/158, Decision No. 2024/187.

[2] OG, dated 12.12.2007, numbered 26728.

[3] OG, dated 04.06.2025, numbered 32920 (bis).

AFRICA & THE MIDDLE EAST



International Conventions

Algeria (Africa): Joined the 1961 Apostille Convention

On November 5, 2025, the People's Democratic Republic of Algeria deposited its instrument of accession to the *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (the *1961 Apostille Convention*). The Convention will enter into force for Algeria on July 9, 2026, simplifying the validation of public documents for use abroad.

For more information, see: <https://www.hcch.net/en/news-archive/details/?varevent=1115> (Editor: Yongxin Hou)



Bahrain (Middle East): Accession to the United Nations Convention on International Settlement Agreements Resulting from Mediation

On February 17, 2025, the Kingdom of Bahrain deposited its instrument of accession to the *United Nations Convention on International Settlement Agreements Resulting from Mediation*, commonly known as the *Singapore Convention on Mediation*, at United Nations Headquarters in New York. With this accession, Bahrain became the sixteenth State Party to the Convention. The Convention entered into force for Bahrain on August 17, 2025. The *Singapore Convention on Mediation* establishes a harmonized legal framework for the recognition and enforcement of international settlement agreements resulting from mediation in international commercial disputes. Bahrain's accession represents a further step in its engagement with multilateral instruments governing cross-border dispute resolution and international commercial cooperation.

More information can be found here: <https://unis.unvienna.org/unis/pressrels/2025/unisl370.html> (Editor: George Tian)

Bahrain: Implementation of the 1970 Hague Convention on the Taking of Evidence Abroad

On March 13, 2025, the Kingdom of Bahrain formally deposited its instrument of accession to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (the *1970 Evidence Convention*). The Convention entered into force for Bahrain on May 12, 2025. The *1970 Evidence Convention* establishes a formal mechanism for cross-border judicial cooperation in the collection of evidence in civil and commercial litigation, primarily through Letters of Request issued by judicial authorities in one Contracting State to judicial authorities in another. As part of its accession, Bahrain declared that it will only accept Letters of Request in English or with a certified English translation, and it opted out of Chapter II of the Convention relating to the taking of evidence by diplomatic or consular officers and commissioners. Bahrain's implementation of the Convention broadens its engagement in international judicial cooperation beyond existing regional arrangements.

More information can be found here: <https://www.asarlegal.com/bahrain-implements-1970-hague-convention-on-the-taking-of-evidence-abroad/> (Editor: George Tian)

Bahrain (Middle East): PCA Signs Host-country Agreement with Bahrain

On June 17, 2025, the Secretary-General of the Permanent Court of Arbitration (PCA), H.E. Dr. Hab. Marcin Czepelak, and the Minister of Justice of the Kingdom of Bahrain, H.E. Mr. Nawaf bin Mohammed Al Maawda, signed a host-country agreement that will allow the conduct of PCA proceedings within the kingdom.

According to the agreement, Bahrain will make available facilities which will be required for the conduct of PCA-administered proceedings within the kingdom. The same agreement also grants privileges and immunities to arbitrators and participants of such hearings.

The full press release can be accessed using the following link: <https://pca-cpa.org/en/news/pca-press-release-permanent-court-of-arbitration-enters-into-host-country-agreement-with-the-kingdom-of-bahrain/> (Editor: E. Delgado)

Bahrain: 2005 Choice of Court Convention Enters into Force for Bahrain

On July 1, 2025, the *Convention of 30 June 2005 on Choice of Court Agreements* (the *2005 Choice of Court Convention*) entered into force for the Kingdom of Bahrain, following the deposit of its instrument of accession on March 13, 2025. At that time, 37 States and the European Union were bound by the *2005 Choice of Court Convention*. Bahrain is the first jurisdiction in the Middle East to ratify the Convention. The Convention enhances legal certainty in international commercial disputes by ensuring the effectiveness of exclusive choice-of-court agreements between parties. Although Bahrain is not yet a Member of the HCCH, it is a Contracting Party to three HCCH Conventions.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1089> (Editor: George Tian).



Cabo Verde (Africa): 2007 Child Support Convention enters into force for Cabo Verde

On January 12, 2025, the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the *2007 Child Support Convention*) entered into force for the Republic of Cabo Verde, following the deposit of its instrument of accession on January 9, 2024.

The *2007 Child Support Convention* is currently binding on 52 States and the European Union.

Further information on the Convention is available on the Child Support section of the HCCH website: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=131>
(Editor: George Tian)

Morocco (Africa): Morocco as the Seat of the Regional Office of the HCCH in Africa

On June 2, 2025, the Host Seat Agreement between the Kingdom of Morocco and the Hague Conference on Private International Law (HCCH) was endorsed in Rabat.

The Agreement establishes the Regional Office of the HCCH in Africa with the expectation that it will serve as “a vital platform to disseminate and promote the work of the HCCH across the African continent. It will also strengthen Africa’s voice within the HCCH and help foster an ‘Africa-for-Africa’ approach drawing from Morocco’s rich experience as an HCCH member since 1993 and as a contracting party to seven HCCH Conventions.”

Hopefully, beyond the diplomatic highlights, the platform will yield impactful outcomes regarding private international law in Africa and beyond.

More information can be found here: <https://www.hcch.net/de/news-archive/details/?varevent=1077>; <https://www.morocoworldnews.com/2025/06/206440/hcch-establishes-african-office-in-morocco-to-advance-cross-border-law/>
(Editor: Cosmas Emeziem)

Rwanda (Africa): CGAP 2025—Rwanda becomes a Member of the HCCH

On March 5, 2025, the Council on General Affairs and Policy (CGAP) of the Hague Conference on Private International Law (HCCH) welcomed the Republic of Rwanda as a new Member of the Organization.

Mr. Jean Hugues Mukama, Chargé d’Affaires a.i. at the Embassy of Rwanda in the Netherlands, deposited Rwanda’s instrument of acceptance of the Statute of the HCCH, with Rwanda thereby becoming the 92nd Member of the HCCH.

Rwanda has been connected to the work of the HCCH since 2012 and is currently a Contracting Party to the *1961 Apostille Convention* and the *1993 Adoption Convention*.

More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1050>
(Editor: George Tian)

National Legislation

Ethiopia (Africa): Startup Proclamation Passed to Support Innovation-Driven Economy

In July 2025, Ethiopia’s Parliament passed the country’s first Startup Proclamation, marking a policy shift toward an innovation-driven economy. The law formally recognizes startups, improves access to financing through funds, grants, and credit guarantees, and offers incentives such as tax exemptions and duty-free imports.

For more information, see: <https://www.africa-legal.com/news/ethiopia-shifts-towards-innovation-driven-economy-with-passage-of-startup-proclamation/122380> (Editor: Yongxin Hou)

United Arab Emirates (Middle East): Judicial Authority Issues Unified Principle on Arbitral Award Signature Requirements

In 2025, the UAE Federal and Local Judicial Principles Unification Authority issued Decision No. (1) of 2025, confirming that an arbitral award is valid provided that it is signed on the final page only.



The decision resolves prior inconsistencies in judicial practice and removes formalistic obstacles that had affected the enforcement of arbitral awards. The decision aims to unify judicial practice across onshore UAE courts and enhance legal certainty in the enforcement of arbitral awards. By removing formalistic barriers that had previously led to the annulment or refusal of enforcement of arbitral awards, the clarification strengthens the UAE's position as an arbitration-friendly jurisdiction and promotes predictability in international commercial dispute resolution.

For more information, see: <https://www.mayerbrown.com/en/insights/publications/2025/09/uae-authority-issues-landmark-decision-on-signature-of-arbitral-awards> (Editor: Chuhan Jin)

National Case Law

Egypt (Africa): Court of Cassation Annuls Arbitral Award on Public Policy Grounds Related to Foreign Currency

In November 2025, the Egyptian Court of Cassation annulled an arbitral award issued by Cairo Regional Centre for International Commercial Arbitration (CRCICA) ordering payment of damages in U.S. dollars, holding that it violated Egyptian public policy under Article 212(1) of the Banking Law, which requires domestic transactions to be conducted in Egyptian pounds unless otherwise permitted by law. The Court reasoned that ordering payment in a foreign currency within Egypt contravenes the national monetary system and therefore offends public policy.

For more information, see: <https://www.lexology.com/library/detail.aspx?g=259b30ab-ae16-4d77-9bbf-7ee01ad263ba> (Editor: Yongxin Hou)

Ghana (Africa): Supreme Court Defines Non-Arbitrable Matters for Customary Tribunals

On June 11, 2025, in *Boadi and Another and Another v. Addo*, the Supreme Court of Ghana held that customary arbitral panels lack jurisdiction to apply the Intestate Succession Law, 1985 (PNDC Law 111) to redistribute family estates in which interests had vested prior to the commencement of that statute. The Court reasoned that applying PNDC Law 111 to such pre-1985 vested estates

constitute a clear defiance of customary law, which customary arbitrators are bound to apply and uphold.

For a full text of the case opinion, please visit: <https://ghalii.org/akn/gh/judgment/ghasc/2025/42/eng@2025-06-11> (Editor: Chuhan Jin)

Kenya (Africa): High Court Set Aside Arbitral Award on Grounds of Bias and Public Policy

On July 31, 2025, the High Court at Narok in *Narok County Government v. Equity Bank Limited* set aside an arbitral award, holding that the award exhibited bias and went against public policy.

The Court inferred bias from the arbitrator's conduct, noting that despite the applicant's evidence, the arbitrator reached the opposite conclusion and that this lapse could only be explained by an inference of bias against the applicant.

The Court further held that the award was contrary to public policy because the arbitrator failed to take into account the applicant's legal and financial obligations as a public institution funded by public revenue, and found the sums awarded and the 12% interest excessive, resulting in unjust enrichment and risking injury to public finances. However, the Court refused to set aside the award on the grounds that the arbitrator exceeded the scope of the reference, holding that the applicant failed to raise a timely objection during the arbitration and therefore waived that argument.

For a full text of the case opinion, please visit: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/11873/eng%402025-07-31> (Editor: Yongxin Hou)

Tanzania (Africa): Court of Appeal Bars Non-Citizens from Inheriting Land

On August 22, 2025, the Court of Appeal of Tanzania overturned a High Court decision and held that non-citizens may not inherit land in Tanzania. The Court ruled that the statutory prohibition on land ownership by non-citizens applies equally to acquisition by inheritance, except where land is occupied for approved investment purposes under the Tanzania Investment Act.



For more information, see: <https://lexafrica.com/2025/08/court-reverses-decision-which-allowed-non-citizens-to-inherit-land/> (Editor: Yongxin Hou)

South Africa (Africa): Dedicated Insolvency Court for Johannesburg, South Africa

On March 10, 2025, the Deputy Judge President of High Court of South Africa published a judicial notice on the establishment of a Dedicated Insolvency Court (Re: Introduction of a Pilot Dedicated Insolvency Court in the Johannesburg High Court [Ref: DJP/390/2020/IT]). The stated objective of the court was “to divert all insolvency-related applications, whether unopposed or opposed, from the present general unopposed motion roll, the general opposed motion roll and the urgent motion roll to the dedicated Insolvency Motion Court (IMC).”

An important policy objective expressed by the judicial notice is that it would assist in giving “recognition to the commercial imperative of expedition in this field of legal practice by establishing procedures which can afford turn around lead times within the broad framework of the existing litigation model.” By article 3 of the Annexed Rules to the Judicial Notice (Rules for the Dedicated Insolvency Motion Court (IMC) and the Dedicated Insolvency Trial Court (ITC) on Dedicated Insolvency Court), the function of the Court would be to “hear all opposed and unopposed motions, including urgent applications, dealing with disputes in relation to insolvency or related disputes including but not limited to sequestration proceeding, rehabilitation proceedings, liquidation proceedings, business rescue proceedings and judicial review of any decision or act of the master of the High Court in relation to insolvency proceedings.”

The dedicated insolvency court is therefore expected to facilitate access to justice and ease general commercial dispute resolution. In *Rent a Tank JHB (Pty) Limited v Fuelgiants (Pty) Limited*, its first judgment since its establishment, the Insolvency Court insisted on effective compliance with statutory formalities such as appropriate notices of liquidation or sequestration proceedings to the disputing parties. Thus, the Court holds that “given the serious consequences of sequestration and liquidation orders, even if granted on a provisional basis, it is necessary that there be substantial effective notice to the respondent

and its employees or that substantial efforts be undertaken to give effective notice, and particularly in proceedings that appeared unopposed.”

For more information, see: [https://www.judiciary.org.za/images/news/2025/DJP3902024.20250310lt \(Introduction of a Pilot Dedicated Insolvency Court in Johannesburg\).pdf](https://www.judiciary.org.za/images/news/2025/DJP3902024.20250310lt%20(Introduction%20of%20a%20Pilot%20Dedicated%20Insolvency%20Court%20in%20Johannesburg).pdf); <https://www.saflii.org/za/cases/ZAGPJHC/2025/517.html> (Editor: Cosmas Emeziem).

Association and Events

Egypt (Africa): GTR Egypt 2025 Cairo

Global Trade Review held GTR Egypt 2025 in Cairo on October 15, 2025, positioning it as a leading conference for professionals in Egyptian trade and export finance.

The event featured panel discussions and extensive networking with corporates, financiers, and other market stakeholders, with discussion themes including Egypt’s role at the Africa-Middle East trade nexus, reshaping supply chains, the outlook for Egypt’s economic recovery, export credit and SMEs, sustainable transactions across Africa, and the MLETR model for expanding digital trade and supply chain finance.

For more information, see: <https://www.gtreview.com/events/mena/gtr-egypt-2025-cairo/#overview> (Editor: Yongxin Hou)

Francophone Africa: Importance of the work of the HCCH and the PCA

On January 10, 2025, representatives from nineteen French-speaking African States, together with a delegate from the Organisation Internationale de la Francophonie (OIF), met in Brussels at a meeting organized by Belgium, France, and Switzerland.

The meeting focused on examining the benefits of membership in the Hague Conference on Private International Law (HCCH) and the Permanent Court of Arbitration (PCA). The Belgian Minister of Foreign Affairs addressed the participants, highlighting the important role both institutions play in strengthening legal cooperation and contributing to international stability.



Discussions reaffirmed the HCCH's commitment to universality and inclusiveness, particularly through expanding membership in Africa. Participants also emphasized the importance of increasing the HCCH's visibility in the region and maintaining the use of the French language to support inclusive and effective international legal cooperation.

More information is available at: <https://www.hcch.net/en/news-archive/details/?varevent=1038> (Editor: George Tian)

Turkey (Middle East): 20th Regional Private International Law Conference

On November 6, 2025, the 20th Regional Private International Law Conference was held in Istanbul, focusing on choice-of-court and arbitration agreements, as well as the recognition and enforcement of judgments and arbitral awards.

For more information, see: <https://conflictoflaws.net/2025/20th-regional-private-international-law-conference-6-8-november-2025-istanbul/> (Editor: Yongxin Hou)

Recent Scholarly Works

Here are some articles on private international law in 2025 concerning Africa and the Middle East:

“Rule of law is Africa’s new gold: AfDB’s Adesina calls for bold legal and governance reforms to unlock prosperity,” published in August 2025 by the African Development Bank Group. This article reports on remarks by AfDB President Dr Akinwumi Adesina at the Kenya Law Society’s 2025 Annual Conference, highlighting the role of the rule of law in Africa’s economic growth and ability to attract foreign direct investment, including transparent governance of natural resources, fair contract enforcement, and access to justice.

For more information, see: <https://www.afdb.org/en/news-and-events/press-releases/rule-law-africas-new-gold-afdb-adesina-calls-bold-legal-and-governance-reforms-unlock-prosperity-86064> (Editor: Yongxin Hou)

“Doing Business in Egypt 2025: Trends and Developments” by Mohamed Hashish, Farida Rezk, Omar Aboul-Ella, and

Mariam Rabie, published in July 2025 by Chambers and Partners. This article provides an overview of developments in the legal framework governing the establishment and operation of businesses in Egypt, including investment, labor law, merger control, fintech, data protection, banking, finance and exchange control, and imports. It highlights Egypt’s continued efforts to improve the legal environment in order to attract foreign investors and regulate business activity despite ongoing economic challenges.

For more information, see: <https://practiceguides.chambers.com/practice-guides/doing-business-in-2025/egypt/trends-and-developments> (Editor: Yongxin Hou)

AMERICAS

Mexico, Central & South America



International Conventions

Argentina (South America): Ratification of the 1996 Child Protection Convention

On September 18, 2025, the Argentine Republic deposited its instrument of ratification of the *Convention of 19*



October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Child Protection Convention) at the Ministry of Foreign Affairs of the Netherlands, the depositary of the HCCH Conventions. With Argentina's ratification, the 1996 Child Protection Convention has 58 Contracting Parties. In accordance with its terms, the Convention will enter into force for Argentina on January 1, 2026. The Convention provides a comprehensive framework governing jurisdiction, applicable law, recognition and enforcement, and cooperation in cross-border child protection matters. More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1100> (Editor: George Tian)

Belize (Central America): 1996 Child Protection Convention Enters into Force

On October 1, 2025, the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1996 Child Protection Convention) entered into force for Belize, following the deposit of its instrument of accession on December 12, 2024. At that time, the 1996 Child Protection Convention had 58 Contracting Parties. The Convention establishes uniform rules on jurisdiction, applicable law, recognition and enforcement of measures for the protection of children, and promotes cooperation between Contracting States in cross-border family matters. Although Belize is not yet a Member of the Hague Conference on Private International Law (HCCH), it is a Contracting Party to five HCCH Conventions. More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1103> (Editor: George Tian).

Brazil (South America): Bilateral Agreement Between Brazil and Argentina on Extradition has its Proposal Approved

In June 2025, the bilateral extradition agreement signed between Brazil and Argentina had its text approved by the Foreign Relations and National Defense Committee of the Brazilian National Congress. Signed in 2019, the agreement provides the definition of the crimes that lead to extradition,

as well as the criteria for any refusal. The proposal now goes to the Chamber of Deputies and the Senate for a vote.

The full text can be found here: <https://www.camara.leg.br/noticias/1170405-proposta-aprova-acordo-entre-brasil-e-argentina-sobre-extradicao/> (Editor: Isabela Tonon da Costa Dondone)

Colombia (South America): CGAP 2025—Ratification of the 2007 Child Support Convention

On March 5, 2025, H.E. Ms. Carolina Olarte-Bácares, Ambassador of Colombia (South America) to the Netherlands, signed the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the 2007 Child Support Convention) and deposited Colombia's instrument of ratification. With Colombia's ratification, 54 States and the European Union are bound by the 2007 Child Support Convention.

The Convention will enter into force for Colombia on July 1, 2025. Colombia, which is currently in the process of becoming a Member of the HCCH, has been connected to the work of the HCCH since 1993 and is now a Contracting Party to six HCCH Conventions. More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1050> (Editor: George Tian)

Costa Rica (Central America): CGAP 2025—Signature of the 2005 Choice of Court Convention

On March 5, 2025, H.E. Mr. Arnaldo Brenes Castro, Ambassador of Costa Rica (Central America) to the Netherlands, signed the *Convention of 30 June 2005 on Choice of Court Agreements* (the 2005 Choice of Court Convention) on behalf of Costa Rica. The Convention will enter into force for Costa Rica only after the deposit of an instrument of ratification pursuant to Article 31(2) of the Convention.

Costa Rica has been a Member of the HCCH since 2011 and is currently a Contracting Party to seven HCCH Conventions.



More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1050> (Editor: George Tian)

Dominican Republic (Central America): 2007 Child Support Convention Enters into Force

On March 23, 2025, the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the *2007 Child Support Convention*) entered into force for the Dominican Republic, following the deposit of its instrument of accession on March 21, 2024.

At present, 53 States and the European Union are bound by the *2007 Child Support Convention*.

More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1058> (Editor: George Tian)

El Salvador (Central America): El Salvador Accedes to the 2007 Child Support Convention

On February 6, 2025, the Republic of El Salvador (Central America) deposited its instrument of accession to the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the *2007 Child Support Convention*). With El Salvador's accession, 53 States and the European Union are bound by the *2007 Child Support Convention*.

The *Convention* will enter into force for El Salvador on February 7, 2026. El Salvador has been a Member of the HCCH since 2022 and is now a Contracting Party to seven HCCH Conventions.

More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1043> (Editor: George Tian)

Guatemala (Central America): CGAP 2025—Application for HCCH Membership

On March 5, 2025, the Republic of Guatemala (Central America) applied to become a Member of the *Hague Conference on Private International Law (HCCH)*. Following a six-month voting period, and provided that a

majority of votes are cast in its favor, Guatemala will be invited to become a Member upon acceptance of the Statute of the HCCH. Guatemala was represented by H.E. Ms. Ana Cristina Rodríguez Pineda, Ambassador of Guatemala to the Netherlands.

Guatemala has been connected to the work of the HCCH since 2002 and is currently a Contracting Party to the 1961 Apostille Convention, the 1980 Child Abduction Convention, and the 1993 Adoption Convention.

More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1050> (Editor: George Tian)

Paraguay (South America): 2007 Child Support Convention and 2007 Maintenance Obligations Protocol Enter into Force

On February 1, 2025, the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the *2007 Child Support Convention*) and the *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations* (the *2007 Maintenance Obligations Protocol*) entered into force for Paraguay (South America), following the deposit of its instruments of ratification on October 25, 2024.

At present, 52 States and the European Union are bound by the *2007 Child Support Convention*, while 34 States and the European Union are bound by the *2007 Maintenance Obligations Protocol*.

More information is available on the HCCH website: <https://www.hcch.net/en/instruments/conventions/?cid=131> (Editor: George Tian)

Uruguay (South America): First Latin American Nation to Sign the Council of Europe AI Treaty

In September 2025, Uruguay became the first Latin American country to sign the *Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*—the first binding international treaty governing the responsible use of AI.



The Convention sets out a comprehensive, technology-neutral framework regulating the entire AI lifecycle, balancing innovation with safeguards for human rights, democratic values, and the rule of law.

Uruguay's move follows the adoption of its National Artificial Intelligence Strategy 2024–2030, which outlines a whole-of-society approach to AI policy. In the coming years, the country is expected to harmonize its domestic regulatory framework with the Convention's principles, potentially prompting new legislation or reforms to existing laws.

The Council of Europe press release can be accessed here: <https://www.coe.int/en/web/portal/-/uruguay-signs-council-of-europe-s-global-ai-treaty> (Editor: Fádía Tuma Antunes)

National Legislation

Bermuda (Central America): Personal Information Protection Act Comes into Force

On January 1, 2025, Bermuda's Personal Information Protection Act 2016 (PIPA) entered into force, marking the territory's first comprehensive data-protection regime and aligning it with standards comparable to the UK's Data Protection Act and the EU GDPR. PIPA applies to all organizations operating in Bermuda and regulates the collection, use, safeguarding, and access to individuals' personal information, with privacy protection as its central objective.

The law requires organizations to provide clear privacy notices, rely on a valid "condition of use" for processing personal data, maintain policies and records on how information is obtained and handled, appoint a designated privacy officer, and provide individuals with accessible mechanisms to review, correct, block, or delete their data. Data breaches must also be reported to the Privacy Commissioner.

More information is available on Bermuda's Monetary Authority Website: <https://www.bma.bm/about-pipa> (Editor: Fádía Tuma Antunes)

Brazil (South America): New General Law on Private International Law in the Works in Brazil

A new General Law on Private International Law is being debated by a Commission appointed in Brazil, made up of experts in the field. The proposal is for the new law to revoke articles 7 to 19 of the old Law of Introduction to the Norms of Brazilian Law of 1942, updating the rules of private international law, especially in relation to international commercial relations, facilitating the business environment and promoting greater predictability in international transactions.

A more detailed look into the draft bill can be found in the highlight section at pages [4–6].

For more information, see also: <https://www.migalhas.com.br/quentes/425837/audiencia-publica-debater-nova-lei-geral-de-direito-internacional> (Editor: Isabela Tonon da Costa Dondone)

Chile (South America): Data Privacy Law and Extraterritorial Jurisdiction

Law No. 21.719, which modernizes Chilean data privacy law, will enter into force in 2026. The statute shifts away from a strict territorial criterion to a target-based approach that enables extraterritorial application of its provisions.

Under the updated data privacy statute's article 1 bis, Chile asserts jurisdiction over foreign entities with no physical presence in the country, provided that they process data to offer goods or services to Chilean residents, or to monitor their behavior within the country's borders. Moreover, the new regime for international data transfers (articles 27 and 28) prohibits cross-border transmission of private information to other jurisdictions that lack adequate privacy protections, unless Chilean authorities determine *ex ante* that specific safeguards are implemented, including binding corporate rules, substantial contractual provisions, or choice-of-law clauses.

The full text of Law No. 21.719 can be found at: <https://bcn.cl/GapReB> (Editor: Nicky Arenberg Nissin)



Colombia (South America): Arbitration Reform Empowers Arbitrators for Enforcement

Colombia has introduced a new arbitration mechanism through Law 2540/2025, enacted on August 26, 2025, which authorizes the use of arbitration for enforcement proceedings. This development departs from the traditional view that arbitrators lack enforcement powers and assigns to them functions previously carried out only by courts.

Under the law, enforcement arbitration must be institutional, decided by an “Enforcement Arbitrator,” and resolved strictly according to law. Parties may agree to arbitrate both the enforcement of an enforceable title and disputes arising from the underlying transaction. The agreement may be closed (relating to a single title) or open (covering multiple titles) and binds not only signatories but also co-debtors, guarantors, and other related obligors, except in cases requiring express subsequent consent.

The law includes specific protections for consumers and preserves judicial jurisdiction in certain situations, such as when deadlines expire or jurisdiction is declined. It also regulates the enforcement of arbitral awards within this mechanism. The practical implications of Law 2540/2025 will become clearer as it is implemented.

More information is available at: <https://legalblogs.wolterskluwer.com/arbitration-blog/arbitrators-will-now-have-enforcement-powers-in-colombia/> (Editor: Fádía Tuma Antunes)

Colombia (South America): Colombia Proposes Significant Reforms to Its Data Protection Framework

In August 2025, Bills No. 214/2025 and 274/2025 were introduced before Colombia’s House of Representatives, proposing partial amendments to Statutory Law 1581 of 2012 on personal data protection.

The bills seek to modernize Colombia’s data protection regime in light of technological and social developments. Key proposals include the extraterritorial extension of the law to certain foreign controllers and processors, recognition of new legal bases for processing (including contractual necessity and legal obligation), incorporation of the accountability principle, expansion of data subject rights (such as data portability and protection against automated

decision-making), and new compliance obligations, including data protection officers and impact assessments.

The full text of the bills can be found at: <https://www.camara.gov.co/proteccion-de-datos-personales-093/> (Editor: Fádía Tuma Antunes)

Peru (South America): Detailed Regulations Implementing Peru’s AI Law Published

Published as Supreme Decree No. 115-2025-PCM, the Regulation of Law No. 31814 aims to promote AI-driven economic and social development while safeguarding fundamental rights.

The decree designates the Secretariat of Government and Digital Transformation (SGTD) as Peru’s national AI authority, responsible for policy direction, binding guidance, compliance oversight, and annual reporting to Congress. The framework relies on existing digital institutions and new mechanisms—including a national AI and digital innovation center, a national data center, and a government innovation lab. SGTD may also operate an AI sandbox to support testing by startups and SMEs.

Most provisions will take effect on December 8, 2025. Implementation will be phased over one to four years, depending on the size and sector of the public or private entity involved.

The full text of the regulations can be found at: <https://www.gob.pe/institucion/pcm/normas-legales/7133522-115-2025-pcm> (Editor: Fádía Tuma Antunes)

National Case Law

Brazil (South America): The Brazilian Superior Court of Justice Rejects a Choice of Forum Clause and Recognizes Brazilian Jurisdiction to Prosecute and Judge the Case of a Brazilian Woman who Claims to Have Won R\$1.8 billion in a US Gambling House

On June 17, 2025, the Brazilian Superior Court of Justice unanimously decided to recognize the competence of Brazilian jurisdiction to decide on the case of a Brazilian woman who claims to have been blocked by the betting platform after winning a prize of around R\$1.8 billion in



October 2020. The Court held that the choice of court clause that indicated Gibraltar would result in a disproportionate burden for the consumer, making the principle of access to justice unfeasible.

The full text can be found here: <https://jurinews.com.br/destaques-ultimas/por-unanimidade-stj-decide-favoravel-a-mulher-que-alega-ter-ganhado-r-18-bi-em-aposta-online/>
(Editor: Isabela Tonon da Costa Dondone)

Ecuador (South America): Constitutional Court Upholds Constitutionality of Several Provisions of the Regulation to the Arbitration and Mediation Law (RLAM)

On February 6, 2025, Ecuador’s Constitutional Court issued Judgment No. 74-21-IN/25, ruling on the constitutionality of several provisions of the *Regulation to the Arbitration and Mediation Law* (RLAM). The Court upheld Articles 2, 3, 4, and 15, finding that they align with constitutional provisions on jurisdiction and do not violate limits on treaty-making or the powers of the National Assembly. It confirmed that public entities may agree to international arbitration, that arbitrators have exclusive authority over related disputes, and that international awards—regardless of seat—may be enforced in Ecuador without prior homologation.

The Court also validated Article 6 and parts of Article 16, confirming that administrative-contract disputes are arbitrable and that the State may engage in mediation when legally permissible. It upheld Article 9, allowing civil judges to grant provisional measures before a tribunal is constituted.

However, the Court struck down Article 16(5), holding that it improperly created sanctions for public officials without a legislative basis, violating the constitutional principle of legality.

The full text of Judgment 74-21-IN/25 can be found at: https://esacc.corteconstitucional.gob.ec/storage/api/v1/10/DWL_FL/e2NhcNBlDGE6J3RyYW1pdGUUnLCB1dWkOic0MDkxNTdlYi0yMWFkLTQwZDctODUxYS03YzQ2ODg4ZmY1ZWUucGRmJ30= (Editor: Fádía Tuma Antunes)

Guatemala (Central America): Constitutional Court Interim Decision Rules that Withdrawal of Reservation to

the Vienna Convention on the Law of Treaties was Unconstitutional

In March 2025, the Government of Guatemala formally withdrew its reservation to Article 27 of the *Vienna Convention on the Law of Treaties*, a provision stating that a state cannot rely on its domestic legislation to justify non-compliance with treaty obligations. Although the rule reflects customary international law and the reservation had never been used in practice, the decision to withdraw it generated controversy.

In May 2025, Guatemala’s Constitutional Court issued an interim ruling finding the withdrawal unconstitutional and ordering its temporary suspension until a final judgment is issued.

The Court’s reasoning centered on its view that the reservation acted as a protective mechanism to ensure that Guatemala’s Constitution remained superior to any conflicting international commitments. The Court suggested that eliminating the reservation could enable treaty obligations to take precedence over constitutional norms, thereby undermining the domestic constitutional framework. (Editor: Fádía Tuma Antunes).

Association and Events

Brazil (South America): XVIII ASADIP Conference – Regional Imaginaries, Global Resonance: Inter-American Private International Law and the World Stage

The event was organized in conjunction with the Organization of American States, on the occasion of the 50th anniversary of the Inter-American Conference on Private International Law and the OAS Course on International Law.

It was held in Rio de Janeiro on August 7–9, 2025. (Editor: Fádía Tuma Antunes)

Mexico: XLVIII Seminar of Private International Law Held in Queretaro, Mexico on October 22-24, 2025

The Mexican Academy of Private International and Comparative Law (AMEDIP) recently held its XLVIII Seminar, “Reflections on the Inter-American System on the



50th Anniversary of CIDIP-I and Recent Developments in Private International Law in Mexico.” The event took place on October 22-24, 2025, at the Universidad Autónoma de Querétaro in Querétaro, Mexico.

The seminar brought together academics, practitioners, and students to discuss contemporary issues in private international law and to commemorate the 50th anniversary of the First Inter-American Specialized Conference on Private International Law (CIDIP-I). (Editor: Fátia Tuma Antunes)

Recent Scholarly Works

Launch of the Latin American and Caribbean Journal of International Law at the Hague.

The Latin American and Caribbean Journal of International Law (LACJIL) was formally launched on January 21, 2025, at the Hague Academy’s auditorium in the Peace Palace. The event featured remarks by Prof. Diego Fernández Arroyo, President of the Academy’s Curatorium, and ICJ Judge Leonardo Nemer Caldeira Brant. A panel moderated by Guatemala’s Ambassador to the Netherlands, H.E. Ana Cristina Rodríguez Pineda, brought together ICC Judge Althea Alexis-Windsor, Colombia’s Ambassador H.E. Carolina Olarte Bácares, Argentina’s Ambassador H.E. Mario J. A. Oyarzábal, and ASADIP President Prof. Verónica Ruiz Abou-Nigm to discuss recent legal developments in the region, including the ASADIP TRANSJUS principles on transnational access to justice.

The journal will address public and private international law, arbitration, and dispute settlement, offering a new forum for a diverse region of 33 States and multiple languages. Founded by H.E. Mario Oyarzábal and Prof. Fernández Arroyo, the journal—edited by a geographically and gender-balanced team—will publish in English, with its first issue expected in 2026.

More information is available on LACJIL’s official webpage: <https://lacjil.org/about-lacjil/> (Editor: Fátia Tuma Antunes)

Issued ICC Report on the Impact of Regulatory Initiatives on the Development of Arbitration in Latin American and Iberian Countries

On September 10, 2025, the ICC issued a new report analyzing how recent regulatory and legislative developments are shaping the evolution of arbitration in Ibero-American countries.

Drawing on detailed input from members of the Latin American and Iberian (LAI) Regional Chapter of the ICC Institute of World Business Law, the report highlights major trends, challenges, and opportunities. It reviews significant legislative proposals in Brazil, Colombia, Guatemala, and Peru, assessing their expected impact on the regional arbitration landscape.

The report can be accessed for free in English and Spanish here: <https://iccwbo.org/news-publications/policies-reports/the-impact-of-regulatory-initiatives-on-the-development-of-arbitration-in-latin-american-and-iberian-countries/> (Editor: Fátia Tuma Antunes)

North America





International Conventions

Canada: Signed the Council of Europe Framework Convention on AI

On February 11, 2025, Canada signed the *Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*. The convention establishes a common international legal framework to address the risks artificial intelligence (AI) poses to human rights, democratic institutions, and the rule of law, and aims to strengthen global cooperation on AI governance. By signing, Canada joins 11 other countries and the European Union as early signatories.

For more information, see: <https://www.canada.ca/en/global-affairs/news/2025/02/canada-signs-the-council-of-europe-framework-convention-on-artificial-intelligence-and-human-rights-democracy-and-the-rule-of-law.html> (Editor: Yongxin Hou)

Canada: Signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women

On March 7, 2025, Canada signed the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention)*. Through its signature, Canada reiterates its commitment to human rights, gender equality, and the prevention and eradication of gender-based violence. The convention provides a framework for states to address and eradicate violence against women.

For more information, see: <https://www.canada.ca/en/global-affairs/news/2025/03/canada-signs-inter-american-convention-on-the-prevention-punishment-and-eradication-of-violence-against-women.html> (Editor: Yongxin Hou)

Canada: Signed the Canada–Indonesia Comprehensive Economic Partnership Agreement

On September 24, 2025, Canada and Indonesia signed the *Comprehensive Economic Partnership Agreement (CEPA)* in Ottawa. CEPA is a comprehensive trade agreement covering goods, services, investment, small and medium-sized enterprises, labor, environment, and women's

economic empowerment. It aims to expand market access by reducing or eliminating tariffs, addressing non-tariff barriers, and enhancing predictability and transparency for Canadian service providers and investors. The signing of the CEPA followed the substantive conclusion of negotiations in late 2024, marking the culmination of a multi-year effort to deepen bilateral trade and investment ties between the two countries.

For more information, see: <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/indonesia-indonesie/cepa-apeg/background-contexte.aspx?lang=eng> (Editors: Yongxin Hou; Yuchen Xiang)

United States: Signature Absent from the UN Cybercrime Treaty

The United States' signature is absent from the *United Nations Convention against Cybercrime (the Hanoi Convention)*, which was opened for signature in Hanoi in October 2025. The convention aims to strengthen international cooperation to prevent and combat cybercrime and to share electronic evidence for serious crimes. The U.S. has stated that the treaty remains under review and has expressed concerns regarding its potential implications for freedom of expression and data handling.

According to the United Nations Treaty Collection, **Canada** has also not signed the *Hanoi Convention*.

For more information, see: United States of America's Statement, <https://hanoiconvention.org/statement/united-states-of-america-statement/>; United Nations Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-16&chapter=18&clang=en (Editors: Yongxin Hou; Yuchen Xiang)

National Legislation

Canada: ADRIC Launches New Arbitration Rules

Effective March 1, 2025, the ADR Institute of Canada (ADRIC) has comprehensive new Arbitration Rules designed to modernize and streamline dispute resolution nationwide. Developed over two years in collaboration with



leading Canadian arbitration experts, these rules introduce customizable procedures and enhanced institutional support.

The new ADRIC Arbitration Rules can be accessed using the following link: <https://adric.ca/rules/ADRIC-Arbitration-Rules-2025.pdf>

Along with the Rules, ADRIC also released its new *Arbitrator Appointment Protocol*, which will also be effective on March 1, 2025. The Protocol can be accessed using the following link: <https://adric.ca/rules/ADRIC-Arbitration-Protocol-2025.pdf> (Editor: E. Delgado)

Canada: Expanded Private Access to the Competition Tribunal Now in Effect

Amendments to the Competition Act expanding private access to the Competition Tribunal came into force on June 20, 2025. The changes (i) extend private access to include claims involving deceptive marketing practices and civil anti-competitive agreements; (ii) expand eligibility to apply directly to the Tribunal and lower the threshold for bringing a case, replacing the prior requirement that an applicant's entire business be directly and significantly affected; and (iii) permit the Tribunal to order monetary payments to persons affected by contraventions.

For more information, see: <https://competition-bureau.canada.ca/en/how-we-foster-competition/education-and-outreach/guide-june-2024-amendments-competition-act> (Editors: Yongxin Hou; Yuchen Xiang)

Greenland: Proposed New Act Screening Foreign Investments

In October 2025, Greenland proposed a new Act introducing a foreign investment screening regime. The draft legislation would allow authorities to screen and, if necessary, prevent foreign investments that may threaten national security or public order, including foreign ownership of critical infrastructure.

For more information, see: <https://kromannreumert.com/en/news/proposal-a-greenlandic-investment-screening-fdi-act> (Editor: Yongxin Hou)

Greenland: Adopts Law Limiting Foreign Ownership of Property and Land-Use Rights

In November 2025, Greenland adopted legislation restricting foreign ownership of property and land-use rights. Under the new law, non-Danish citizens and foreign companies may buy property or land-use rights only if they have been permanent residents of Greenland and have paid all applicable taxes there for the preceding two years.

For more information, see: <https://www.courthousenews.com/greenland-limits-foreigners-right-to-property/> (Editor: Yongxin Hou)

United States: Launches Review to Modernize Rules on Member Firms and Associated Persons

On March 12, 2025, the Financial Industry Regulatory Authority (FINRA) announced the launch of a broad review of its regulatory requirements applicable to member firms and associated persons through Regulatory Notice 25-04.

In addition to identifying ways to modernize its own rules, FINRA is also focused on potential updates to its rules and regulatory approaches that might be appropriate in light of non-FINRA requirements applicable to members. This modernization is intended to further FINRA's mission of investor protection and market integrity by supporting more efficient and effective regulatory requirements informed by both the contemporary market and technological environment, and opportunities for the future evolution in financial services.

The notice is accessible on FINRA's website: <https://www.finra.org/rules-guidance/notices/25-04> (Editor: E. Delgado)

United States: DOJ Final "Data Security Program" Rule Under Executive Order 14117

The U.S. Department of Justice's National Security Division has issued its final rule implementing Executive Order 14117, *Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern*. The rule, referred to as the Data Security Program (DSP), takes effect on April 8, 2025, and establishes controls to prevent foreign adversaries and those subject to their control and direction



from accessing U.S. government-related data and bulk U.S. sensitive personal data.

For more information, see: <https://www.justice.gov/opa/media/1396356/dl> (Editor: Yongxin Hou)

United States: Proposed Litigation Transparency Act of 2025

Congress is considering the Litigation Transparency Act of 2025, which would require civil litigants in federal court to disclose the identity of any person (other than counsel of record) with a right to receive any payment or thing of value contingent on the outcome of the case. The proposal aims to increase transparency and oversight of third-party beneficiaries in civil actions and is facing significant opposition.

For more information, see: <https://www.congress.gov/bills/119th-congress/house-bill/1109/text> (Editor: Yongxin Hou)

National Case Law

Canada: Ontario Court of Appeal Sets Aside Award for Apprehension of Bias

On February 5, 2025, the Ontario Court of Appeal in *Vento Motorcycles v. Mexico* set aside an arbitral award determined by a three-member panel after it became known to the plaintiff, a motorcycle manufacturer, that Mexico's appointed arbitrator had communicated with Mexican officials during the arbitration process about potential appointments to rosters of panelists eligible to hear disputes. The Court held that a reasonable apprehension of bias is "no minor procedural defect" and requires setting aside the award. The Court confirmed that bias affecting even one member of a three-member tribunal taints the entire panel. The Supreme Court of Canada has denied leave to appeal.

For a full text of the case opinion, please visit: https://jursmundi.com/en/document/decision/en-vento-motorcycles-inc-v-united-mexican-states-judgment-of-the-court-of-appeal-of-ontario-2025-onca-82-wednesday-5th-february-2025#decision_72479 (Editor: Yongxin Hou)

Canada: Supreme Court Clarifies Jurisdiction Against Foreign Defendants

On July 31, 2025, the Supreme Court of Canada in *Sinclair v. Venezia Turismo* held that a real and substantial connection must be established for each defendant in a cross-border dispute, and that jurisdiction over one defendant cannot be bootstrapped to foreign defendants with no Ontario connection.

The plaintiffs were injured in a water taxi crash in Venice after arranging transportation through Amex Canada's concierge service. Amex Canada engaged a third-party travel provider, which, in turn, engaged three Italian companies (the Italian defendants) responsible for the water taxi and its driver. Although the Ontario cardmember agreement created a presumptive connecting factor, the majority held that the Italian defendants rebutted it because a real and substantial connection between the dispute and Ontario is simply not present. Four judges dissented.

For a full text of the case opinion, please visit: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/21150/index.do> (Editor: Yongxin Hou)

United States: Supreme Court Held That the FSIA's Expropriation Exception Requires a Specific, Traceable Commercial Nexus to the United States, and That Alleging Commingling of Funds Alone Cannot Satisfy That Requirement

On February 21, 2025, the U.S. Supreme Court issued a unanimous decision in *Republic of Hungary v. Simon*, clarifying that plaintiffs invoking the FSIA's expropriation exception to haul a foreign sovereign into U.S. jurisdiction must plausibly trace the specific expropriated property or the property exchanged for it to commercial activity in the United States, or to the possession of an agency or instrumentality of the foreign state engaged in such activity.

Tracing may be established by identifying a U.S. account holding the proceeds from the expropriated property or by showing that a foreign sovereign spent all funds from a commingled account in the United States shortly after commingling. However, a generalized allegation that expropriated property was liquidated decades ago, the proceeds commingled, and some portion was later used in



U.S. commercial activity is insufficient to establish the required commercial nexus.

For a full text of the case opinion, please visit: https://www.supremecourt.gov/opinions/24pdf/23-867_5h26.pdf
(Editors: Yongxin Hou; Yuchen Xiang)

United States: Ninth Circuit Held That JAMS Consolidation of Arbitration, Made Pursuant to Its Incorporated Rules, Does Not Render a Claimant “Aggrieved” for a Motion to Compel Arbitration Under the FAA and Does Not Raise a Gateway Arbitrability Issue

On February 28, 2025, the Ninth Circuit in *Jones v. Starz Entertainment, LLC* held that consolidation of thousands of similar arbitration demands by JAMS pursuant to its rules, which had been incorporated into the arbitration agreement, does not constitute a refusal to arbitrate and therefore does not render the claimant “aggrieved” so as to trigger a motion to compel arbitration under Chapter 1, Section 4 of the Federal Arbitration Act (FAA).

The court also held that such consolidation does not create a gateway arbitrability issue, which typically concerns the validity or scope of the agreement to arbitrate. The court further explained that JAMS consolidation in a mass-arbitration context is distinct from class or representative arbitration because consolidated proceedings still involve claims brought in an individual capacity and do not bind absent parties. Finally, the court held that a party cannot invoke unconscionability to attack the same arbitration agreement that it seeks to enforce.

For a full text of the case opinion, please visit: <https://cdn.ca9.uscourts.gov/datastore/opinions/2025/02/28/24-1645.pdf> (Editors: Yongxin Hou; Yuchen Xiang)

United States: Supreme Court Held That Personal Jurisdiction Under the FSIA Requires Only an Immunity Exception and Proper Service, With No Separate Minimum-Contacts Showing Required

On June 5, 2025, the U.S. Supreme Court issued a unanimous decision in *CC/Devas (Mauritius) Ltd. v. Antrix Corp.*, resolving an important jurisdictional question under the Foreign Sovereign Immunities Act (FSIA) concerning foreign states and their instrumentalities, which are

statutorily immune from suit unless one of the FSIA’s enumerated exceptions applies.

Reversing the Ninth Circuit, the Supreme Court held that personal jurisdiction over a foreign state or its instrumentality exists whenever an enumerated FSIA immunity exception applies and service of process is properly completed. The Court clarified that the FSIA does not require a separate showing of constitutional “minimum contacts” beyond the contacts already inherent in the statute’s enumerated exceptions to foreign sovereign immunity.

For a full text of the case opinion, please visit: https://www.supremecourt.gov/opinions/24pdf/23-1201_8759.pdf
(Editor: Yongxin Hou)

United States: Second Circuit Held That the New York Convention and FAA Chapter 2 Do Not Confer Jurisdiction for a U.S. District Court to Vacate a Foreign Arbitral Award

On July 2, 2025, the Second Circuit in *Molecular Dynamics, Ltd. v. Spectrum Dynamics Medical Ltd.* held that a U.S. district court lacked subject matter jurisdiction under Chapter 2 of the FAA to vacate an arbitral award made outside the United States. Chapter 2 provides jurisdiction only for actions that fall under the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (the *New York Convention*), which concerns the recognition and enforcement of foreign awards and therefore does not contemplate vacatur of a foreign award. Distinguishing between primary and secondary jurisdictions, the court explained that only the primary jurisdiction, meaning the state where an award is made or whose arbitral law governs it, may hear a vacatur petition. The court further clarified that federal courts have jurisdiction to recognize and enforce foreign or nondomestic arbitral awards and to vacate awards made in or under the laws of the United States that have a significant foreign nexus, provided the awards arise out of a legal relationship and are commercial in nature.

For a full text of the case opinion, please visit: <https://law.justia.com/cases/federal/appellate-courts/ca2/24-2209/24-2209-2025-07-02.html> (Editor: Yongxin Hou)

United States: Second Circuit Clarified Its Waiver-of-Arbitration Test, Holding That Prejudice Is Not Required



and That a Party Waives Its FAA Arbitration Right When It Knowingly Relinquishes the Right to Arbitrate by Acting Inconsistently with That Right

On July 14, 2025, the Second Circuit in *Doyle v. UBS Financial Services* clarified its waiver-of-arbitration standard in light of the Supreme Court's 2022 decision in *Morgan v. Sundance*.

In *Morgan*, the Supreme Court held that courts may not condition a waiver of the right to arbitrate on a showing of prejudice. The focus must be on the actions of the party holding the right and not the effects of those actions on the opposing party. The Supreme Court therefore framed the inquiry as whether the party knowingly relinquished the right to arbitrate by acting inconsistently with that right. Applying that standard, the Second Circuit concluded that after *Morgan*, a party waives its FAA arbitration right when it “knowingly relinquish[es] the right to arbitrate by acting inconsistently with that right,” including by first seeking affirmative relief in federal court.

The court concluded that the defendants waived their right to compel arbitration by first seeking full and final dismissal of the claims in the district court. Arbitration is not a fallback position or a second bite at the apple, and a party must choose between litigation and arbitration and cannot have it both ways.

For a full text of the case opinion, please visit: <https://law.justia.com/cases/federal/appellate-courts/ca2/24-696/24-696-2025-07-14.html> (Editor: Yongxin Hou)

Association and Events

United States: New York Arbitration Week 2025

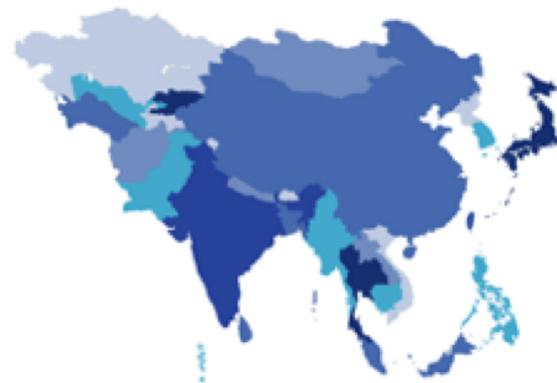
New York Arbitration Week (NYAW), co-hosted annually by the New York International Arbitration Center (NYIAC) and the New York Branch of the Chartered Institute of Arbitrators (CIArbNY), took place on November 17–21, 2025.

The theme “*Searching for the North Star*” highlighted the guiding principles of legitimacy, transparency, diversity, efficiency, and sustainability, and the event brought

together professionals and institutions from across the global arbitration community.

For more information, see: <https://www.ny-arbitration-week.com/> (Editor: Yongxin Hou)

ASIA



International Conventions

Bangladesh: 1961 Apostille Convention Enters Into Force for Bangladesh

On March 30, 2025, the *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (the 1961 Apostille Convention) entered into force for the People's Republic of Bangladesh, following the deposit of its instrument of accession on July 29, 2024. The 1961 Apostille Convention currently has 127 Contracting Parties.

More information is available on the HCCH website: <https://www.hcch.net/en/news-archive/details/?varevent=1060> (Editor: George Tian)

Hong Kong: Countries Sign Convention on Establishment of IOMed in Hong Kong

On May 30, 2025, various countries signed the *Convention on the Establishment of the International Organization for Mediation* (IOMed) in Hong Kong. Around 400 high-level



officials and representatives from 85 countries were present, and 33 signed the Convention.

A copy of the Convention can be accessed on the IOMed website: <https://www.international-mediation.org/basic-documents/> (Editor: E. Delgado)

India: Service of Summons Under the 1965 Hague Service Convention

In February 2025, the US Securities and Exchange Commission (SEC) sought assistance from the Ministry of Law and Justice, India's designated Central Authority under the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (the *Hague Service Convention*), for service of summons to Gautam Adani and his associates in a \$250 million bribery case in connection with Adani's Group Solar projects. Under the bribery scheme, more than \$175 million was raised from U.S. investors and the energy company's stock was also traded on the New York Stock Exchange.

However, at present, the Ministry is yet to issue the service of summons. The SEC is also looking into the possibility of alternative methods of serving summons.

More information can be found here: <https://www.civildaily.com/news/the-sec-and-hague-service-convention/> (Editor: Priyanshi).

India: Negotiations and Reform in India's Bilateral Investment Treaty (BIT) Regime

India is negotiating its *Bilateral Investment Treaties* with nations including the European Union, the UAE, and Russia, to mention a few. The aim is to attract more foreign investment and make the regime more investor-friendly.

It revised its Model BIT with the UAE, providing concessions to foreign investors. Some of the concessions include reducing the time for the mandatory requirement of exhausting local remedies, allowing investment arbitration proceedings to commence sooner, broadening the scope of protection of investment instruments and providing for a new set of investors' obligations. It further provides that arbitration proceedings must be seated in a country that is party to the New York Convention. The changes also form part of India aligning itself with the *International*

Convention for the Settlement of Investment Disputes 1966 (ICSID Convention) (Editor: Priyanshi).

Korea: 1993 Adoption Convention Enters into Force for the Republic of Korea

On October 1, 2025, the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (the *1993 Adoption Convention*) entered into force for the Republic of Korea, following the deposit of its instrument of ratification on June 17, 2025. On that date, the 1993 Adoption Convention had 107 Contracting Parties. Further information on the Convention is available on the Adoption Section of the Hague Conference on Private International Law (HCCH) website.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1104> (Editor: George Tian).

National/Regional Legislation

Hong Kong: HKIAC Issued Practice Note on Compatibility of Arbitration Clauses to HKIAC Rules

On January 20, 2025, the Hong Kong International Arbitration Centre (HKIAC) issued a *Practice Note on Compatibility of Arbitration Clauses under the HKIAC Administered Arbitration Rules* (the "*Practice Note*"). The Practice Note sets out HKIAC's general practice in assessing the compatibility of arbitration clauses in multi-party, multi-contract scenarios under the 2018 and 2024 HKIAC Administered Arbitration Rules and explains HKIAC's general approach to the constitution of the arbitral tribunal in such scenarios.

The Practice Note does not amend any provision of the HKIAC Rules, and the examples do not bind HKIAC in the interpretation of the HKIAC Rules.

The English version of the Practice Note can be found here: https://hkiac.org/wp-content/uploads/2025/03/Practice-Note-on-Compatibility-of-Arbitration-Clauses_EN.pdf (Editor: E. Delgado)



India: Bar Council of India Introduces Reforms on Foreign Legal Practice

In November 2025, the Bar Council of India (statutory body regulating the Indian Bar) issued the *BCI Rules on Enrolment and Practice of Foreign Nationals, 2025*. Considering the demand for cross-border legal services, the rules lay down clear guidelines, standards, permissible activities and limits for foreign legal services. The Advocates Act, 1961 prohibits foreign lawyers from practicing in India. Striking a balance between foreign experts and domestic legal professionals, the 2025 amendment provides for foreign lawyers to undertake limited advisory roles while it continues to uphold the prohibition on their right to practice.

The rules also provide for operational safeguards and ethical standards and failing to adhere would attract disciplinary action. Finally, the reforms incorporate reciprocity as a prerequisite. Under this requirement, operations of any foreign law firm in India remain subject to its home jurisdiction providing equivalent privileges to Indian lawyers.

More information can be found here: <https://www.sconline.com/blog/post/2025/11/15/bci-rules-on-foreign-lawyers-2025/>; <https://www.teamleaseregtech.com/updates/article/49454/bar-council-of-india-rules-on-enrolment-and-practice-of-foreign-nation/> (Editor: Priyanshi)

Philippines: Philippines Adheres to the 1970 Hague Evidence Convention

On May 6, 2025, the Republic of the Philippines deposited the instrument of accession to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (the *Hague Evidence Convention*). The *Hague Evidence Convention* now has 68 Contracting Parties globally. As of July 5, 2025, the Convention has entered into force in the Philippines, making them a Contracting Party to six Hague Conventions.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1065> (Editor: Raffaella Revis)

Singapore: Public Consultation on the International Arbitration Act (IAA)

From March 21 to May 2, 2025, Singapore's Ministry of Law conducted a public consultation on proposed amendments to the *International Arbitration Act 1994*. The IAA governs the relationship between arbitral tribunals and seat courts and is central to Singapore's role in cross-border dispute resolution. The consultation represents a significant pipeline development for Asia private international law, as reforms may affect court intervention standards, tribunal powers, and coordination with foreign proceedings. Even before legislative change, the consultation signaled policy direction and influenced practitioner advice on arbitration clauses and multi-jurisdictional strategy.

More information can be found here: <https://www.mlaw.gov.sg/public-consultation-on-the-international-arbitration-act-1994-of-singapore/> (Editor: George Tian)

Taiwan: Amendment to Occupational Safety and Health Act

On December 2, 2025, the Legislative Yuan passed an amendment to Taiwan's Occupational Safety and Health Act. The amendment introduces new provisions on workplace bullying prevention (Articles 22-1 to 22-3), requiring employers to establish clear procedures for handling complaints. The amendment may affect multinational employers, particularly where expatriate or remote employees perform partly in Taiwan or where Taiwanese mandatory safety rules interact with foreign governing laws, potentially raising jurisdictional and choice-of-law questions.

Article 22-3 further allows employees to file complaints directly with the local authority when the alleged perpetrator is the highest responsible person. The amendment also strengthens construction safety by imposing stricter risk-assessment and coordination duties on project owners and contractors (Articles 27 and 27-1). Criminal liability for workplace fatalities is increased to up to five years of imprisonment, and the maximum administrative fine is raised to NT\$3 million.



The full text of the announcement can be found here: <https://www.mol.gov.tw/1607/1632/1633/86798/post> (Editor: Tzu-Ching Lin)

International and National Case Law

China (Mainland): Singapore Money Order Recognized and Enforced by Shanghai Court

On January 8, 2025, the Shanghai International Commercial Court, in (2023) Hu 01 Xie Wai Ren No. 28, recognized and enforced a money order issued by the General Division of the High Court of Singapore. The Singapore proceedings arose from a loan agreement under which the applicant lent HKD 10 million to the respondent, who later defaulted on repayment. Following a Tomlin order and a subsequent final order dated June 16, 2023 (HC/ORC2766/2023), the Singapore court ordered repayment of approximately HKD 9.3 million plus interest and costs. As the respondent failed to comply and held assets in Shanghai, the applicant sought enforcement in China. The Shanghai court examined reciprocity between China and Singapore, relying on the Memorandum of Guidance between the two supreme courts and prior instances of mutual recognition and enforcement, before granting recognition and enforcement.

More information can be found here: <https://conflictoflaws.net/2025/singapore-money-order-recognized-and-enforced-in-china/> (Editor: George Tian)

China (Mainland): Court-to-court Communication in Recognition and Enforcement of a Singapore Judgment

On March 14, 2025, the Suzhou Intermediate People's Court of Jiangsu Province, in (2023) Su 05 Xie Wai Ren No. 8, recognized and enforced a civil and commercial monetary judgment rendered by the Supreme Court of Singapore (HC/S194/2022), ordering payment of more than USD 6.6 million plus interest. In September 2025, the Supreme People's Court of China included the decision in its fifth batch of Belt and Road Initiative model cases. The Suzhou Court examined whether reciprocity existed between the jurisdictions, service of process, and the finality of the Singapore judgment. For the finality issue, the Suzhou Court, through the Supreme People's Court of China,

sought assistance from the Supreme Court of Singapore and relied on its response in reaching its decision to recognize and enforce the judgment.

More information can be found here: <https://conflictoflaws.net/2025/court-to-court-referrals-and-reciprocity-between-chinese-and-singapore-courts/> (Editor: George Tian)

India: Delhi High Court Interim Anti-Arbitration Injunction

On July 25, 2025, the Delhi High Court granted interim relief restraining continuation of a Singapore-seated foreign arbitration in a commercial dispute involving India-linked parties. The court found that exceptional circumstances—specifically what it characterized as vexatious or oppressive conduct by a party and non-disclosure of information by an arbitrator—warranted interim judicial intervention, despite an express choice of a foreign seat. Although such interim orders are not always published with stable public URLs on the official registry, the decision drew regional attention because anti-arbitration relief raises core private international law questions about comity, party autonomy, and the proper coordination between domestic courts and foreign arbitral seats. Given Singapore's prominence as a preferred arbitral seat for India-related international contracts, the order is closely watched for its potential implications on clause drafting and forum strategy in cross-border transactions.

More information can be found here: <https://www.lexology.com/library/detail.aspx?g=d0d6f004-4f0a-429a-ae9c-443d90305df9> (Editor: George Tian)

Korea: Supreme Court Affirms Validity of Defective Arbitration Clause

On January 23, 2025, the Supreme Court of Korea (Decision 2024Da243172) upheld the validity of an arbitration agreement despite internal inconsistencies and drafting defects, including issues arising from bilingual wording. The Court held that an arbitration agreement should be regarded as valid where the parties' intention to arbitrate can be reasonably identified, even if the clause lacks clarity or contains contradictory elements. The decision confirmed that deficiencies in drafting do not automatically invalidate an arbitration agreement under Korean law.



More information can be found here: https://www.kimchang.com/en/insights/detail.kc?idx=32281&sch_section=4&utm_source (Editor: George Tian)

Association and Events

Korea: HCCH Asia Pacific Week 2025 (Seoul)

From June 25 to 27, 2025, HCCH Asia Pacific Week 2025 took place in Seoul, co-hosted by the Republic of Korea and the Hague Conference on Private International Law (HCCH). It drew 400+ participants (States, IGOs, NGOs and experts) and served as the region's key 2025 convening point for cross-border cooperation and practical implementation of HCCH instruments. While not itself a treaty action, the Week is often where jurisdictions announce or workshop steps on family PIL (child protection, abduction, adoption), civil/commercial cooperation (service, evidence), and emerging priorities around judgments circulation and judicial networks. For PIL practitioners, it is a high-signal "coordination hub": it links convention uptake, domestic implementation, and court-to-court practice across Asia-Pacific in one forum and often influences 12–24 month reform agendas.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1083> (Editor: George Tian)

Singapore: SIAC Rules 2025 Enter into Force

On January 1, 2025, the Singapore International Arbitration Centre (SIAC) Rules 2025 (7th Edition) entered into force, updating the procedural framework of the Singapore International Arbitration Centre. The revised Rules introduce changes affecting arbitration clause drafting, multi-party and multi-contract proceedings, expedited procedures and emergency relief, and tribunal case management in international arbitration proceedings.

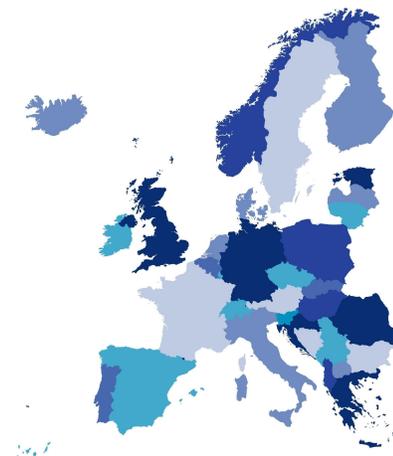
More information can be found here: <https://siac.org.sg/siac-rules-2025> (Editor: George Tian).

Singapore: 4th Global Meeting of the International Hague Network of Judges

From May 19 to 21, 2025, the Fourth Global Meeting of the International Hague Network of Judges (IHNJ) was held in Singapore, co-hosted by the Singapore Family Justice Courts and the HCCH. The IHNJ is operationally important for cross-border family disputes, because it focuses on court-to-court communication and practical coordination under Hague family conventions (e.g. child abduction, child protection, international recovery of child support, and related cooperation tools). The 2025 meeting gathered judges from 34 HCCH Members and ran multiple sessions on how courts can communicate efficiently and lawfully, including when urgent protective measures are needed across borders. For Asia-region PIL reporting, this is notable as a "capacity-building + practice harmonization" milestone that can improve real-world outcomes beyond black-letter convention text (timelines, information exchange, and consistent procedural safeguards).

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1082> (Editor: George Tian)

EUROPE





International Conventions

Albania: Ratification of the 2019 Hague Judgments Convention

On February 13, 2025, Albania deposited its instrument of ratification of the *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (the *Hague Judgments Convention*). At that time, a total of 31 parties had signed or joined the Convention (some still pending entry into force).

The Convention will enter into force for Albania on March 1, 2026. From that date, Albanian court judgments will be more easily recognized and enforced in other contracting states, and Albania will likewise recognize foreign judgments that meet the Convention's standards.

Albania has been a member of the Hague Conference on Private International Law since 2002 and participates in 17 Hague instruments. The ratification marks another step toward aligning Albania's cross-border judgment enforcement framework with international standards.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1046#:~:text=The Permanent Bureau has been,2019 Judgments Convention> (Editor: Guohang Zeng)

Andorra: Andorra Adheres to the 2019 Hague Judgments Convention

On May 13, 2025, the Principality of Andorra deposited its instrument of accession to the *Convention of July 2, 2019, on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (the *2019 Judgments Convention*). The Convention will enter into force for Andorra on June 1, 2026, following which judgments in respect of civil and commercial matters issued by courts in Andorra will become recognizable and enforceable across the other Contracting Parties.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1068> (Editor: Victoria Muntean)

Czech: Czech Republic Accepts Paraguay's Accession to the 1970 Hague Evidence Convention

On June 2, 2025, the Czech Republic accepted Paraguay's accession to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (the *1970 Evidence Convention*). As an EU Member State, the Czech Republic's active role in judicial cooperation is highlighted by this decision. It facilitates simplified and standardized procedures for the collection of evidence in cross-border civil and commercial litigation between the Czech Republic and Paraguay, enhancing procedural efficiency.

This demonstrates that EU Member States increasingly rely on HCCH conventions as key external cooperation frameworks when dealing with non-EU contracting parties, thereby providing procedural conveniences for European companies involved in cross-border commercial disputes.

More information can be found here: <https://www.hcch.net/en/instruments/conventions/status-table/acceptances/?mid=1516> (Editor: Guohang Zeng)

Denmark: Ratification of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

Denmark has ratified the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the *2007 Child Support Convention*). On June 30, 2025, Denmark deposited its instrument of ratification of the *2007 Child Support Convention*. Although the Convention has entered into force on October 1, 2025 (slightly beyond the main reporting period), the ratification date falls within the relevant timeframe and represents a key step in strengthening access to justice across borders, particularly for vulnerable family members.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1084> (Editor: Guohang Zeng)



Moldova: The Republic of Moldova Accedes to the 1996 Child Protection Convention

On March 11, 2025, the Republic of Moldova deposited an instrument of accession to the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Child Protection Convention)*, thus becoming the 57th Contracting Party to the Convention. The Convention will enter into force for the Republic of Moldova on January 1, 2026.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1057> (Editor: Victoria Muntean)

Moldova: Accession To The 1970 Evidence Convention

On July 24, 2025, the Republic of Moldova deposited its instrument of accession to the *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the 1970 Evidence Convention)* at the Ministry of Foreign Affairs of the Netherlands, the depositary of the HCCH Conventions. With Moldova's accession, the *1970 Evidence Convention* has 69 Contracting Parties. In accordance with its terms, the Convention entered into force for the Republic of Moldova on September 22, 2025. The Convention establishes procedures for cross-border judicial cooperation in the taking of evidence in civil and commercial matters, primarily through Letters of Request transmitted between judicial authorities of Contracting States. The Republic of Moldova has been a Member of the Hague Conference on Private International Law (HCCH) since 2016 and is now a Contracting Party to 11 HCCH Conventions.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1095> (Editor: George Tian)

Monaco: Accession To The 2005 Choice Of Court Convention

On November 27, 2025, the Principality of Monaco deposited its instrument of accession to the *Convention of 30 June 2005 on Choice of Court Agreements (the 2005*

Choice of Court Convention) at the Ministry of Foreign Affairs of the Netherlands, the depositary of the HCCH Conventions. With Monaco's accession, 38 States and the European Union are bound by the *2005 Choice of Court Convention*. In accordance with its terms, the Convention will enter into force for Monaco on March 1, 2026. The Convention establishes uniform rules on jurisdiction and on the recognition and enforcement of judgments in civil or commercial matters based on exclusive choice of court agreements.

More information can be found here: <https://www.hcch.net/en/news-archive/details/?varevent=1123> (Editor: George Tian)

North Macedonia: Accession to the 2005 Choice of Court Convention

On November 21, 2024, North Macedonia deposited its instrument of approval of the *Convention of 30 June 2005 on Choice of Court Agreements (the 2005 Choice of Court Convention)* with the Dutch Ministry of Foreign Affairs, the Convention's depositary. The Convention will enter into force for North Macedonia on March 1, 2025.

With this step, North Macedonia becomes a contracting party alongside the EU and 36 other states, ensuring that exclusive choice-of-court agreements in civil and commercial matters made in its courts are recognized and enforced in other contracting states. North Macedonia has been a member of the Hague Conference since 1993, and its accession strengthens the enforceability of its foreign-related commercial judgments and enhances international judicial cooperation.

More information can be found here: [https://www.hcch.net/en/news-archive/details/?varevent=1026#:~:text=Today 21 November 2024 the,2005 Choice of Court Convention](https://www.hcch.net/en/news-archive/details/?varevent=1026#:~:text=Today%2021%20November%202024,the,2005%20Choice%20of%20Court%20Convention) (Editor: Guohang Zeng)

Poland: Program of the 2025 EU Council Presidency

As the holder of the rotating Presidency of the Council of the European Union during the first half of 2025, Poland released its work program emphasizing the strengthening of legal protection for EU citizens in cross-border situations. The Presidency aims to advance negotiations on the draft



Regulation on the jurisdiction, applicable law, recognition, enforcement, and cooperation in matters relating to the protection of adults, and to continue working on the draft Regulation on parenthood and the European parenthood certificate. Poland will also prioritize discussions on the proposed Directive on the harmonization of certain aspects of insolvency law and continue work on the draft directive on AI-related cross-border tort liability. The Presidency further supports the implementation of the 2024–2028 European e-Justice Strategy to promote digital judicial cooperation among member states, eliminate cross-border legal barriers in the digital economy, and strengthen free movement and competitiveness.

More information can be found here: [https://eapil.org/2025/01/10/the-polish-presidencys-programme-on-judicial-cooperation-in-civil-matters/#:~:text=the draft Directive harmonizing certain,2028](https://eapil.org/2025/01/10/the-polish-presidencys-programme-on-judicial-cooperation-in-civil-matters/#:~:text=the%20draft%20Directive%20harmonizing%20certain,2028) (Editor: Guohang Zeng)

Switzerland: 2005 Choice of Court Convention Enters Into Force for Switzerland

The Convention of 30 June 2005 on Choice of Court Agreements (the *2005 Choice of Court Convention*) entered into force for the Swiss Confederation on January 1, 2025, following Switzerland's deposit of its instrument of accession on September 18, 2024.

The *2005 Choice of Court Convention* is currently binding on 36 States and the European Union. Further information on the Convention is available on the Choice of Court section of the HCCH website: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=98> (Editor: George Tian)

United Kingdom, Scotland and Northern Ireland: The UK is Set to Extend the 2019 Hague Judgments Convention to Scotland and Northern Ireland

On March 26, 2025, the UK deposited a declaration that the Hague Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (the *2019 Judgments Convention*) shall extend to Scotland and Northern Ireland. The declaration will take effect on July 1, 2025, that being the date when the instrument becomes enforceable across all constituent jurisdictions of the UK.

It is worth noting that the Convention will not become enforceable intra-UK and will not affect the regime of current framework of recognition and enforcement of judgments between UK's constituent parts.

More information can be found here: <https://www.gov.uk/government/news/government-signs-new-international-agreement-in-boost-to-british-business> (Editor: Victoria Muntean)

United Kingdom: UK Finalizes Free Trade Agreement with India

On May 6, 2025, the UK Government announced that a Free Trade Agreement was reached between the UK and India. Officials indicate that the deal is expected to facilitate and accelerate commerce between the two countries. This is hoped to result in growth for the UK GDP and wages by £4.8 billion and £2.2 billion per year, respectively.

The legal text of the deal is yet to be finalized, verified, and domestic approvals obtained, before arrangements for the signing of the FTA can be made. Following signature, and subject to fulfilment of both countries' governmental requirements, including UK parliamentary procedure, the agreement will enter into force.

A summary of the agreement was made public offering general explanation on the proposed 27 comprising chapters. The matters covered relate to, among others, market access for goods, trade in services, digital trade, and labor.

Contemporaneously, the two countries negotiated a Double Contributions Convention (DCC). The DCC, akin to the UK's other Social Security Agreements, shall exempt short-term Indian workers from paying national insurance contributions in the UK. Similar provisions will be available to UK employees seconded to India.

More information can be found here: <https://www.gov.uk/government/publications/uk-india-trade-deal-conclusion-summary/uk-india-trade-deal-conclusion-summary#chapter-summary> (Editor: Victoria Muntean)



European Union Legislation

European Union: The 28th Regime Discussion has Been Restarted at Davos by the European Commission

On January 21, 2025, Ursula von der Leyen of the European Commission proposed the 28th regime in a more refined manner at the Davos World Economic Forum.

The regime is proposed to be a rulebook which European companies in the single market can refer to in an attempt to harmonize the myriad of national legislations on legal, tax and financial matters. In this way, the European Commission hopes to retain company bases in the EU rather than relocating to the United States mostly due to simplified paperwork and legislation.

Notably, formalizing the regime is expected to be a somewhat lengthy process requiring consent of EU governments (some of whom have disapproved of previous iterations) prior to the European Parliament launch.

For more information, see: <https://www.reuters.com/markets/europe/commission-wants-one-set-rules-across-eu-innovative-firms-2025-01-21/> (Editor: Raphaella Revis)

European Union: Corporate Sustainability Due Diligence Directive (CSDDD) National Legislation Extended

On April 14, 2025, the Council of the European Union approved a stop-the-clock directive on the dates requiring Member States to apply the CSDDD requirements. Under the directive, Member States are now required to incorporate corporate sustainability due diligence practices to domestic law by July 26, 2027. The measures themselves are to be applied in stages depending on a company's size (by number of employees) and annual turnover, with the first slated for July 26, 2028, and the latest being January 1, 2030, based on Article 16. (Editor: Raphaella Revis)

European Union and the UK Case Law

Belgium: The Belgian Supreme Court Confirms That the 2005 Hague Convention is Binding Upon the United Kingdom

The Belgian Supreme Court (La Cour de Cassation/Hof van Cassatie) ruled in a judgment issued on March 27, 2025, that, despite the United Kingdom's withdrawal from the European Union in 2021, the *Convention of 30 June 2005 on Choice of Court Agreements* (the *2005 Choice of Court Convention*) continues to apply to the UK.

The Court reasoned that in the period prior to the exit day, December 31, 2020, the Convention was binding upon the UK due to it being an EU member state and the approval of the Convention by the European Union since October 2015. From January 2021 onwards, the Convention acquired binding status by virtue of implementation via primary legislation, namely the adoption of Private International Law (Implementation of Agreements) Act 2020.

The full judgement (in French) can be found here: <https://hofvancassatie.be/pdf/arresten-arrets/C.24.0012.F.pdf> (Editor: Victoria Muntean)

France: Court Refuses Recognition of a Foreign Judgment Due to Lack of Service of Required Certificate

On January 28, 2025, the Grenoble Court of Appeal ruled that a Luxembourg court judgment could not be enforced in France because the enforcing party failed to serve the debtor with the certificate required under Article 53 of the EU Brussels I bis Regulation.

In this case, a Luxembourg bank sought to enforce its judgment against a borrower in France, but the borrower argued that they had never received the certificate. The Court of Appeal upheld the borrower's objection, finding that without the certificate, the creditor could not prove that the foreign judgment was enforceable in the state of origin, and therefore the conditions for enforcement in France were not met. The court emphasized that, although formal in nature, the service of this certificate is crucial for ensuring



procedural fairness and the debtor's right to be informed in cross-border enforcement proceedings.

More information can be found here: <https://eapil.org/2025/07/16/french-court-denies-enforcement-for-lack-of-service-of-article-53-brussels-i-bis-certificate/> (Editor: Guohang Zeng)

Greece: Greek Supreme Court Ruling Addresses Cross-border Compensation for Moral Damages (Case No. 291/2025)

In 2025, the Greek Supreme Court (Areios Pagos) upheld a claim for moral damages brought by close relatives of a victim of a fatal car accident that occurred in Finland and was caused by a German national.

The plaintiffs, all residing in Greece, initiated proceedings before the Greek courts seeking compensation for emotional suffering.

The central questions were whether the Greek courts had jurisdiction and whether the claimed damages were recoverable under the applicable law. The Supreme Court addressed these issues by applying the *Rome II* Regulation (Regulation (EC) No 864/2007), which sets out EU wide conflict of laws rules for determining the law governing non contractual obligations in civil and commercial matters.

The key legal questions were whether the Greek courts had jurisdiction and whether the claimed damages were recoverable under the applicable law. The Supreme Court addressed these issues by applying the *Rome II* Regulation, which sets out EU-wide conflict of laws rules for determining the law governing non-contractual obligations in civil and commercial matters. It confirmed that, under Article 4 of *Rome II*, the law of the place where the damage occurred (in this case, Finnish law) governs non-contractual obligations. It further held that moral damages for close relatives are recoverable under Finnish law, interpreted in light of European principles and consistent with Greek jurisprudence.

The Supreme Court did not “refer” the issue to the *Court of Justice of the European Union (CJEU)* for an authoritative interpretation, which is typical where the national court considers the relevant EU law to be clear and settled. However, the judgment noted that there are differing views

on the threshold for making such referrals under Article 267 of the *Treaty on the Functioning of the European Union (TFEU)*. This point reflects the broader debate on judicial dialogue between national courts and EU institutions.

This ruling confirms the applicability of *Rome II* to claims for moral damages and clarifies that emotional harm suffered by relatives constitutes compensable damage in cross-border tort cases. It affirms the competence of national courts to apply foreign law in accordance with EU conflict-of-law rules, thereby enhancing access to justice in transnational disputes. The decision also contributes to the evolving interpretation of EU private international law and judicial cooperation, even in the absence of direct CJEU involvement.

The judgment can be found in the Supreme Court's website: <https://www.areiospagos.gr/> (Editor: Christina Heliotis)

Italy: Supreme Court Clarifies Applicable Law in Cross-Border Succession and Accepts Renvoi

On January 23, 2025, the Italian Supreme Court (Second Civil Chamber, judgment no. 1632) overturned a decision of the Florence Court of Appeal and clarified the scope of Italy's 1995 Private International Law Act (Law No. 218/1995) in cross-border succession cases.

The dispute concerned an Australian national who died in Italy in 1994, leaving a will. The lower courts applied the pre-1995 conflict-of-law rules and therefore applied Australian law, which does not recognize forced heirship, and dismissed the deceased's son's claim to invalidate the will and restore his forced share.

The Supreme Court held that as long as the succession matter had not been finally adjudicated by the time the 1995 Act entered into force, the new law should apply, regardless of when the heirs accepted the estate. Under the 1995 Act, courts must accept foreign renvoi rules. In this case, Australian succession law refers succession of immovable property located abroad to the law of the situs. Thus, the Italian court should have applied Italian law to the immovable property located in Italy, permitting the claimant to pursue a “reduction action” to protect forced heirship rights. The judgment clarifies transitional issues between old and new Italian conflict-of-law rules and



confirms that renvoi may be accepted to safeguard forced heirship rights.

More information can be found here: <https://rdipp.unimi.it/2025/02/07/the-italian-supreme-court-on-the-law-applicable-to-cross-border-successions/> (Editor: Guohang Zeng)

Spain: Supreme Court Rules Surrogacy Contracts Contrary to Spanish Public Policy

On December 4, 2024, the Spanish Supreme Court issued a judgment refusing to recognize a U.S. court decision confirming parental rights over a child born through surrogacy, on the ground that commercial surrogacy agreements violate Spanish international public policy. The Court held that surrogacy contracts objectify both the surrogate mother and the child, infringing upon their human dignity, and emphasized that under Spanish law commercial surrogacy is considered a form of exploitation of women and is strictly prohibited. The Court further stressed that even considerations of the child's best interests cannot override public policy, given that Spanish law already provides mechanisms—such as biological parentage determination and adoption—to safeguard the rights of children born via surrogacy. The ruling reaffirms Spain's prohibition of commercial surrogacy and establishes that foreign judgments involving surrogacy cannot be recognized in Spain.

More information can be found here: <https://eapil.org/2025/01/27/the-spanish-supreme-court-on-surrogacy-contract-and-public-policy/> (Editor: Guohang Zeng)

National Legislation

Switzerland: The Swiss Arbitration Centre Publishes the Supplemental Swiss Rules for Trust, Estate and Foundation Disputes for Proceedings Under the 2021 Swiss Rules of International Arbitration

On May 22, 2025, the Swiss Arbitration Centre published the Supplemental Swiss Rules for Trusts, Estate and Foundation Disputes (the “TEF Rules”), which came into effect on July 5, 2025. The TEF Rules supplement the 2021 Swiss Rules of International Arbitration (the “Swiss Rules”). They apply to arbitration proceedings initiated pursuant to

an arbitration clause providing for arbitration under the Swiss Rules and where the subject matter relates to, or arises out of unilateral instruments governing, trusts, estates and foundations (“TEF Disputes”). Further, disputes between parties to an inheritance contract, but not as between them, on one hand, and third parties, on the other, are equally amenable to TEF Rules.

The TEF Rules encompass a short set of provisions supplemental to the Swiss Rules and tailor the arbitration proceedings specifically to TEF Disputes. They are accompanied by a series of Model Arbitration Clauses that can be directly incorporated into wills, trust and foundation deeds, or inheritance contracts.

More information can be found here: <https://www.swissarbitration.org/supplemental-swiss-rules-for-trust-estate-and-foundation-disputes-1-july/> (Editor: Victoria Muntean)

United Kingdom: The Law Commission of England and Wales Launches Consultation on Reforming Rules Applicable to Digital Assets and Electronic Trade Documents

On June 5, 2025, the Law Commission of England and Wales launched a consultation paper proposing to reform certain private international law rules relating to digital assets and electronic trade documents. Specifically, the Commission intends to address issues related to solving disputes in the context of decentralized applications of distributed ledger technology and challenges associated with courts' international jurisdiction and applicable law. Further, the Commission made a proposal to modernize section 72 of the Bills of Exchange Act 1882. This is a private international law provision that identifies the law applicable to particular contractual issues arising in connection with bills of exchange and promissory notes. The reform would apply to relevant documents in both paper and electronic form. The consultation closed on September 8, 2025.

More information can be found here: <https://lawcom.gov.uk/project/digital-assets-and-electronic-trade-documents-in-private-international-law/> (Editor: Victoria Muntean)



United Kingdom: New Regulatory Regime for Cryptoassets

On December 15, 2025, HM Treasury laid before Parliament the Financial Services and Markets Act 2000 (Cryptoassets) Regulations 2025, introducing a new regulatory regime for cryptoassets in the UK. Firm and proportionate rules are expected to come into force from 2027, providing cryptoassets firms with greater legal clarity while strengthening consumer protection and confidence. It is designed to support responsible innovation, promote open and competitive markets, and position the UK as a leading destination for digital asset businesses.

More information can be found here: <https://www.legislation.gov.uk/ukdsi/2025/9780348277586/contents>; <https://www.gov.uk/government/news/new-crypto-rules-to-unlock-growth-and-protect-customers> (Editor: Yongxin Hou)

Association and Events

European Union: The European Union Intellectual Property Office (EUIPO) Study on Generative Artificial Intelligence and Copyright

On May 12, 2025, the European Union Intellectual Property Office (EUIPO) released a comprehensive study titled “The development of Generative Artificial Intelligence from a Copyright perspective.”

The study aimed at deepening the general understanding on the technical functioning of generative AI (“GenAI”), as well as existing and developing solutions underpinning the application of EU copyright and Artificial Intelligence rules. It offers a detailed analysis of GenAI developments from the perspective of EU copyright law, covering technical, legal, and economic aspects.

The study was prepared by a research team of the University of Turin Law School and the Nexa Center for Internet & Society from the Polytechnic of Turin for the European Union Intellectual Property Office. It focused on three interconnected areas:

(1) Using copyright-protected works as training data for GenAI models;

(2) the generation of new content by these systems, and its legal consequences; and

(3) the wider implications for creators, AI developers, and the copyright ecosystem.

With respect to copyright protection, the study concluded that there is no harmonized, “one-size-fits-all” solution. On the one hand, they identified rights reservation mechanisms at the INPUT phase (related to training AI models) which allow rightsholders to express their opt out from the “text and data mining” (TDM)-exception. On the other, it is noted that transparency measures exist for the OUTPUT phase that allow the indication and recognition of AI-generated content.

The full study can be found here: https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2025_GenAI_from_copyright_perspective/2025_GenAI_from_copyright_perspective_FullR_en.pdf (Editor: Victoria Muntean)

European Union: Working Group on Digital Tokens Established

On March 31, 2025, the European Association of Private International Law put out a call for expressions of interest to participate in an upcoming Working Group on digital tokens in a private international law context. The Working Group’s goal is to represent the EAPIL in the Experts Group established by the Hague Conference on this very issue. The Hague Conference Expert Group meeting took place on June 16–18, 2025.

More information can be found here: <https://eapil.org/2025/03/31/eapil-to-establish-working-group-on-digital-tokens/> (Editor: Raphaella Revis)

UNIDROIT: Centenary Workstream on Sustainable Development

The International Institute for the Unification of Private Law (UNIDROIT) will turn 100 years old in 2026. In preparation for its Centenary, the Institute is taking stock with a view towards its future work program. Seven Workstream Committees have been tasked with analysis of the UNIDROIT instruments and production of a White Paper that will assess the work done so far in order to make



recommendations for future work. The Workstream on Sustainable Development is examining UNIDROIT's instruments and work products through the lens of sustainability and the UN Sustainable Development Goals (SDGs). In this context, SDG 16 will be among those under consideration, specifically in relation to promoting the rule of law at national and international levels, and SDG 17 more broadly. As private law instruments are often the means for the actualization of public goals, this is a timely undertaking. Fostering dialogue between organizations in the fields of private and public law will also serve to strengthen the Global Partnership for Sustainable Development.

More information can be found on the UNIDROIT website: <https://www.unidroit.org> (Editor: Jeannette Tramhel)

OCEANIA



International Conventions

Australia: Entry Into Force of the Amendment to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

On February 7, 2025, the Amendment to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora came into force for Australia.

The full text of the Explanatory Statement to the Amendment can be accessed here: https://www.aph.gov.au/-/media/02_Parliamentary_Business/24_Committees/244

[Joint Committees/JSCT/2024/Minor Treaty Actions/CITESIII_ES.pdf](#) (Editor: Kim Nguyen)

Australia: Entry Into Force of the Second Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA)

On April 21, 2025, the Second Protocol to amend the agreement establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) came into force for Australia.

The full text of the Protocol can be accessed here: <https://www.dfat.gov.au/trade/agreements/in-force/aanzfta/official-documents/second-protocol-to-amend-the-agreement-establishing-asean-australia-new-zealand-free-trade-area-aanzfta> (Editor: Kim Nguyen)

New Zealand: Signed the NZ-UAE Free Trade Agreement

On January 14, 2025, the governments of New Zealand and the United Arab Emirates (UAE) signed the NZ-UAE free trade agreement, known as the Comprehensive Economic Partnership Agreement (CEPA).

The CEPA will provide New Zealand producers with the best-available access to the UAE market, with 99% of New Zealand goods exports able to access the market duty-free. This includes all New Zealand's dairy, red meat, horticultural and industrial products immediately when the Agreement enters into force.

The press release can be accessed here: <https://www.beehive.govt.nz/release/trade-and-investment-agreements-signed-united-arab-emirates> (Editor: Kim Nguyen)

New Zealand: Negotiations for the New Zealand-India Comprehensive Free Trade Agreement

On May 5–9, 2025, the first round of in-person negotiations between the governments of New Zealand and India was held in New Delhi to negotiate the entry into the New Zealand-India Comprehensive Free Trade Agreement.

The press release for this development can be accessed here: <https://www.beehive.govt.nz/release/trade-negotiations-india-commence> (Editor: Kim Nguyen)



National Legislation/Guideline

Australia: Supreme Court Of Victoria Practice Note On Enforcement Of Foreign Judgments

On December 1, 2025, the Supreme Court of Victoria issued and brought into force Practice Note SC Gen 15 – Enforcement of Foreign Judgments. The Practice Note sets out procedural guidance for applications seeking recognition and enforcement of foreign judgments at common law where no statutory regime applies. It summarizes the established common law requirements, including that the foreign court exercised a jurisdiction recognized by Australian courts, the judgment is final and conclusive, the parties are identical, and the judgment is for a debt or a definite sum of money. The Practice Note provides contemporaneous guidance for practitioners dealing with civil proceedings involving cross-border elements in Victoria.

More information can be found here: [https://www.supremecourt.vic.gov.au/sites/default/files/2025-11/SC_Gen_15 - Enforcement of Foreign Judgments.pdf](https://www.supremecourt.vic.gov.au/sites/default/files/2025-11/SC_Gen_15_-_Enforcement_of_Foreign_Judgments.pdf) (Editor: George Tian)

National Case Law

Australia: Republic of India v. CCDM Holdings, LLC (2025) 307 FCR 308

On January 31, 2025, the Full Federal Court of Australia held that the Republic of India was entitled to jurisdictional immunity from Australian Courts in proceedings seeking recognition and enforcement of foreign arbitral awards dealing with disputes arising from “non-commercial” legal relationships.

The Court rendered its judgment with respect to an appeal filed by India against an interlocutory judgment of a primary judge of the same court, which rejected India’s sovereign immunity claim. The Court allowed India’s appeal pursuant to s 38 of the *Foreign States Immunities Act 1985* (Cth), and granted India’s interlocutory application to set aside the originating application on the basis that India is immune from the Australian proceeding under s 9 of the *Foreign States Immunities Act 1985* (Cth).

The full judgment can be found here: <https://jade.io/article/1114980> (Editor: Kim Nguyen)

Australia: Yangpu Huigu Pharmaceutical Corporation Limited v He [2025] NSWSC 28

On February 6, 2025, the New South Wales Supreme Court enforced a foreign judgment of a court of China, which related to the recovery of monies lent by the plaintiff to two companies, a Chinese company and an Australian company. As the courts of China are not prescribed by the *Foreign Judgments Regulations 1992* (Cth) for the purpose of registration under the *Foreign Judgments Act 1991* (Cth), the judgment was enforced in NSW pursuant to Australia’s common law principles for recognition and enforcement of foreign judgments.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2025/28.html> (Editor: Kim Nguyen)

Australia: Commissioner of the Australian Federal Police v D C & Anor [2025] SASC 9

On February 7, 2025, the South Australia Supreme Court dismissed an interlocutory application for a stay of proceedings instituted by the Commissioner of the Australian Federal Police, which sought orders pursuant to the *Proceeds of Crimes Act 2002* (Cth) (POC Act), where there were parallel criminal proceedings in the United States of America for the same drug, financial, and organized crime offences. This was on the basis that a stay was not in the interests of justice because it is inconsistent with the principles of comity to apply the interests of justice standard prescribed by the POC Act in respect of proceedings in the USA.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2025/9.html> (Editor: Kim Nguyen)

Australia: Harder v Incor Holdings Ltd [2025] WASC 76

On March 12, 2025, the Western Australia Supreme Court (WASC) registered a judgment of the Supreme Court of British Columbia dated December 13, 2024 pursuant to *Foreign Judgments Act 1991* (Cth) (FJA) against InCor Holdings Ltd and Pangaea Resources Ltd, finding that the



FJA prevails over the *Rules of the Supreme Court 1971* (WA) by O 44A, which provides the procedure in the WASC for an application under the FJA, where there is inconsistency.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/wa/WASC/2025/76.html> (Editor: Kim Nguyen)

Australia: *Louis Dreyfus Company BV (f/k/a Louis Dreyfus Commodities BV) v Glencore Ltd* [2025] NSWSC 388

On April 24, 2025, the New South Wales Supreme Court, on the application by the plaintiffs, made orders under s 33 *Evidence on Commission Act 1995* (NSW) to give effect to a letter of request from the District Court of the Southern District of New York in the United States of America issued on March 31, 2025, concerning the production of documents by and examination of Mr. Mark Allen, who is resident in Australia.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2025/388.html> (Editor: Kim Nguyen)

Australia: *Isaacman v King (No.2)* [2025] NSWSC 381

On April 30, 2025, the New South Wales Supreme Court granted a stay on the proceedings on the basis that New South Wales is a *forum non conveniens* because the proceeding has no connection with this jurisdiction: neither party has any real or substantive connection with this forum, the facts giving rise to the cause of action all occurred outside of this jurisdiction, the plaintiff does not allege that he suffered any damage in New South Wales, the causes of action pleaded arise under the law of New York, the Court would need to receive expert evidence of the applicable statute and common law of the State of New York, and neither party has assets in this jurisdiction.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2025/381.html> (Editor: Kim Nguyen)

Australia: *IREN Ltd v PricewaterhouseCoopers Inc in its capacity as foreign representative of IE CA 3 Holdings Ltd* [2025] FCAFC 52

On May 15, 2025, the Full Federal Court of Australia dismissed an application for leave to appeal from recognition of a foreign main proceeding pursuant to the UNCITRAL Model Law on Cross-Border Insolvency, finding that there was not sufficient doubt as to primary judge's conclusion that recognition was not contrary to public policy within the meaning of Art 6 of the Model Law, nor was there sufficient doubt as to primary judge's conclusion on meaning of "necessary" within Art 21 of Model Law.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCAFC/2025/52.html> (Editor: Kim Nguyen)

Australia: *Flexicommercial Pty Ltd ACN 644 644 860 v Watters* [2025] NSWDC 188

On May 2, 2025, the New South Wales District Court dismissed the defendant's Notice of Motion seeking the stay of proceedings, finding that New South Wales was not a "clearly inappropriate forum", taking into account the fact that proceedings were properly commenced in New South Wales, the jurisdiction clause is non-exclusive, and the plaintiff is in New South Wales.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWDC/2025/188.html> (Editor: Kim Nguyen)

Australia: *Shinetec (Australia) Pty Ltd v The Gosford Pty Ltd; The Gosford Pty Ltd v Bank of China Ltd (No 6)* [2025] NSWSC 431

On May 5, 2025, Stevenson J in the New South Wales Supreme Court ordered for the stay on his Honor's judgment of 20 November 2023 for \$37 million in favor of Gosford against the Bank to continue until June 30, 2025 or the date on which the Taiyuan Intermediate People's Court of Shanxi Province makes its decision in proceedings (2021) Jin 01 Min Chu No 809-4, involving the Bank's application to that Court to dissolve its Civil Ruling that restrains the Bank from making payment under the Letter of Credit that



is the subject of the NSWSC's November 20, 2023 judgment, whichever is earlier, and that the stay be thereupon lifted.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2025/431.html> (Editor: Kim Nguyen)

Australia: McCabe (liquidator), in the matter of Sargon Capital Pty Limited v D'Souza [2025] FCA 620

On May 15, 2025, the Federal Court of Australia granted an order for substituted service on three defendants overseas because the evidence established that the liquidators had taken steps to attempt service of the Documents in accordance with the Hague Service Convention on those defendants and that effecting personal service on each of them would likely result in significant delay and expense, and that there is a reasonable probability that, by leaving the documents to be served at those defendants' overseas addresses, they will (as applicable) be brought to the attention of those defendants.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2025/620.html> (Editor: Kim Nguyen)

Australia: San Remo Macaroni Company Pty Ltd v Pastificio Guido Ferrara Spa [2025] SASC 75

On May 22, 2025, the South Australia Supreme Court dismissed the interlocutory application seeking orders to set aside the service or dismiss or stay proceedings pursuant to r 4(2)(a) and/or (b) of sch 1 of the *Uniform Civil Rules 2020* (SA) ('UCR'), for four reasons.

First, service was validly effected under the UCR through deemed service, as it was not practicable to serve the respondent in a foreign country in accordance with a convention, the Hague Service Convention, or the law of a foreign country, and the applicant provided evidence that the proceedings have been brought to the attention of the respondent. Second, the applicant's service without leave was authorized under r 2. Third, the Court is not a "clearly inappropriate forum," accepting the applicant's submission that there were a number of matters that collectively suggest that the South Australian forum court is in fact the most appropriate forum; whilst the respondent is based in Italy,

the applicant is based in South Australia and that the damages have been incurred in Australia. Further, the overarching supply contract between the parties, which is an Australian contract, was drafted in English, and the terms of that agreement suggest that any loss incurred by the applicant would be suffered in Australia. Fourth, it cannot be said that the claim has insufficient prospects of success to warrant putting the respondent to the time, expense and trouble of defending the claim; it was not evident or obvious that there was no reasonable basis for the claim.

The full judgment can be found here: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2025/75.html> (Editor: Kim Nguyen)

New Zealand: Hata v Attorney-General [2025] NZHC 519

On March 14, 2025, the New Zealand High Court accepted that Tikanga, the customary law of the Māori people, is a different legal system that operated in New Zealand, and held that pursuant to the court's inherent power to stay proceedings in appropriate cases, a court is unlikely to exercise its discretion to grant a stay based on the availability of an alternative Tikanga-based forum, where there is genuine urgency, the evidence establishes there is no realistic prospect a tikanga process will resolve the matter, or a party refuses to engage in an available tikanga process, or the evidence establishes they have not engaged in it earnestly. The court held that the grounds in rule 15.1 of the High Court Rules 2016 for staying proceedings based on *forum non conveniens* would unlikely be applicable to the grant of a stay based on the availability of an alternative Tikanga-based forum.

The full judgment can be found here: <https://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZHC/2025/519.html> (Editor: Kim Nguyen)

New Zealand: Yoonwoo C & C Development Corp v Huh [2025] NZCA 209

On June 3, 2025, the New Zealand Court of Appeal held that the applicable limitation period under the New Zealand *Limitation Act 1950* for the recognition and enforcement of a money judgment from the Republic of Korea was the limitation period for actions on a contract (6 years) and not actions on a "judgment" (12 years); the latter only applied to domestic judgments. Therefore, the claim for the



recognition and enforcement of the foreign money judgment was time-barred.

The full judgment can be found here: <https://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZCA/2025/209.html>
(Editor: Kim Nguyen)

Association and Events

Australia: Australasian Association of Private International Law inaugural conference

On April 16–17, 2025, the Australasian Association of Private International Law (AAPrIL) held the inaugural conference in Brisbane, Australia, focusing on the following topics: (1) Private International Law and Technology; (2) Anti-suit and Anti-enforcement Injunctions; (3) Private International Law and Climate Change; and (4) Prenuptial Agreements.

The media release of this development can be found here: <https://aapril.org/2025/05/03/report-from-the-inaugural-conference-of-the-australasian-association-of-private-international-law-aapril/> (Editor: Kim Nguyen)

Australia and New Zealand: ASEAN-Australia-New Zealand trade meeting

On May 20, 2025, Australia met with the members of the Association of Southeast Asian Nations (ASEAN) and New Zealand to discuss strategies to address challenges to the rules-based trading system and unlock greater opportunities and benefits for the region. This includes improving the ASEAN-Australia-New Zealand free trade agreement, by cutting red tape, and making it easier for small and medium-sized businesses to benefit from trade with Southeast Asia.

The Joint Statement by the Australian, New Zealand and ASEAN Ministers can be found here: <https://asean.org/wp-content/uploads/2025/05/Special-AEM-CER-Joint-Statement-f.pdf> (Editor: Kim Nguyen)

Australia: Saloni Khanderia's article on "Sovereign Immunity and the Enforcement of Investor-State

Arbitration Awards: Lessons from Devas V. India in Australia, The United Kingdom and India"

On May 21, 2025, Saloni Khanderia published an article that discussed the treatment of sovereign immunity within the enforcement of investor-state dispute settlement (ISDS) awards, which arose from the long-running dispute between Devas Multimedia Private Limited (Devas) and the Indian state-owned Antrix Corporation (Antrix). Devas and its shareholders won favorable awards in all three concluded arbitrations. In Australia, the Full Federal Court of Australia's decision in *Republic of India v. CCDM Holdings, LLC* [2025] FCAFC 2 illustrates the court reversed the prior decision in the first instance by the Federal Court, where the court had enforced the award against India, and concluded that India was immune under the Australian *Foreign States Immunities Act 1985* (Cth) to bar the enforcement of ISDS arbitral awards.

The full article can be accessed here: <https://conflictoflaws.net/2025/sovereign-immunity-and-the-enforcement-of-investor-state-arbitration-awards-lessons-from-devas-v-india-in-australia-the-united-kingdom-and-india/> (Editor: Kim Nguyen)

New Zealand: Joint Statement by the Foreign Ministers of the Republic of Indonesia and New Zealand at the 12th Joint Ministerial Commission

On June 13, 2025, the Minister for Foreign Affairs of the Republic of Indonesia, and Minister of Foreign Affairs of New Zealand, convened the 12th meeting of the Joint Ministerial Commission (JMC) in Jakarta, Indonesia. The meeting discussed cooperation across the seven pillars of the Comprehensive Partnership to strengthen bilateral ties, including the implementation of the first year of the Plan of Action 2025–2029, enhancing trade and economic partnerships, and renewable energy and environment cooperation.

The Joint Statement can be accessed here: <https://www.beehive.govt.nz/release/joint-statement-foreign-ministers-republic-indonesia-and-new-zealand-12th-joint-ministerial>
(Editor: Kim Nguyen)