

# 11KBW

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## **Cross-Border Issues**

Judy Stone

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**Bosworth v Arcadia Petroleum Ltd** CJEU (C-603/17) [2019] ILPr 22

**Merinson v Yukos International UK BV** [2019] EWCA Civ 830

- Special Rules for “matters relating to individual contracts of employment” (Brussels I recast, Article 20) ... employee must be sued where domiciled (Article 22)
  - Are they employees? **Arcadia** CJEU – not if influential
  - Does it relate to the contract? “*reality and substance*” and “*material nexus*” (**Arcadia CA**, **Yukos CA**), “*dispute arising in the employment relationship*” (**Arcadia**, AG)
- Departure by agreement entered after the dispute has arisen (Article 23)?
  - (i) disagreement on specific point and (ii) proceedings at least imminent (**Yukos CA**)

# Special rules on company law matters **11KBW**

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## **Koza v Akcil** [2019] UKSC 40

- Exclusive jurisdiction for company law claims – Brussels and Lugano (Articles 24(2), 16(2) respectively)
- **Akcil (SC):**
  - Principal subject matter must be company law issue
  - No overall evaluative assessment

- *If deal ...* Withdrawal Agreement of 17 October 2019 – passage through Parliament
  - Transition period – general freeze and time to agree
- *If no deal ...* (probably):
  - General revocation
  - Join Hague and revert to common law
  - Proposed new s15C CJA

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