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# The BIBC: an English-language international commercial court in Brussels

More than forty years after the establishment of the labour courts, we are preparing ourselves for the establishment of a new Belgian judicial authority. The Brussels International Business Court (BIBC) will be a commercial court that will deal with international disputes between companies in English. On 27 April 2018, the bill setting up the Brussels International Business Court was approved on second reading in the Council of Ministers. The bill is now wending its way through the Parliament. We already outline a number of its major elements.

The creation of the BIBC fits, amongst other things, with the increase in international commerce, where English is the working language, as well as with the impending Brexit, as a result of which international commercial disputes are expected to increase and it will become less evident to call upon English courts. By making Belgium more attractive in the justice field, one hopes to bring more foreign contractors and investors to our country. Moreover, similar trends can be observed in the Netherlands, for example, with the impending formation of the Netherlands Commercial Court (NCC).

The BIBC will be a state court which will be able to adjudicate in English on international disputes between enterprises. Thus an alternative for arbitration is being created, one which nevertheless remains very closely related to it. For example, for the administration of justice use is made to a great extent of the UNCITRAL model law on international commercial arbitration, on which the Belgian Arbitration Act of 2013 is also based. As with arbitration, calling on the BIBC requires the consent of all parties. And as with arbitration, a fast and efficient proceeding is postulated, in a single instance - but that comes at a price: the BIBC notably strives to be self-financing, and so the parties have to pay substantial "registration fees". In abstracto the BIBC will be a permanent body, but concretely it will only convene when a case presents itself. Along with a president-professional judge (chosen from amongst the Belgian judges or justices) the court will also have two lay judges, who must be specialists in international commercial law.

The actual bill responds in part to the bruising criticisms of the draft bill that were made by the High Council of Justice and the Council of State. We are now waiting to see what the outcome of the Parliamentary process will be. We'll be sure to keep you informed.

For more information on this subject, you can contact Geert De Buyzer (head of our ADR practice group).

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