

# Draft Bill to Establish Brussels International Business Court



On 15 May 2018, the Belgian government submitted to Parliament [a draft bill \(the \*Bill\*\) for the creation of a Brussels International Business Court \(the \*BIBC\*\)](#). As you may remember, we have already [discussed](#) the BIBC a couple of months ago after the Belgian government approved the Bill in October 2017. Since then (and before its submission to the Parliament), the Bill has been reviewed by both the High Council of Justice and the Belgian Council of State.

Although the High Council of Justice and the Belgian Council of State have both raised comments and concerns with respect to the BIBC, the key features of the BIBC remains largely unchanged:

- The BIBC will have jurisdiction to deal with international business and commercial disputes between companies or corporations;
- The working language of the BIBC will be English (meaning that written submissions, pleadings and judgments will be rendered in that language). The choice of English as

functioning language constitutes a novelty in Belgian judicial law, as only the three official Belgian languages (French, Dutch and German) have been officially used and recognised by the Belgian courts until now;

– The BIBC will be staffed with both professional judges and legal experts (e. non-professional judges) from domestic and foreign jurisdictions;

– Jurisdiction of the BIBC will be based on mutual consent between parties;

– The judgments handed down by the BIBC will, in principle, not be subject to appeal, with the exception of an appeal on points of law before the Belgian Supreme Court;

– The BIBC's rules of procedure will be based *mutatis mutandis* on the UNCITRAL Model Law on International Commercial Arbitration;

– The BIBC will be self-financing (meaning that the court fees will be higher than the levels currently prevailing before regular Belgian courts);

Pursuant to the Bill, the BIBC should open its door on 1 January 2020.

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