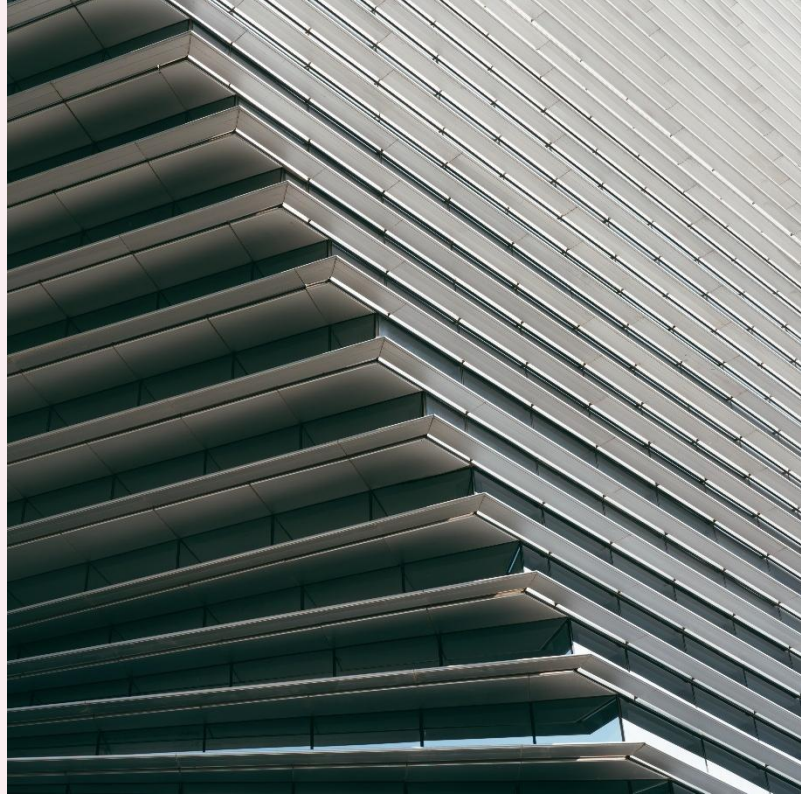


Brussels Ia Regulation - Commission launches consultation process for legislative review

Dedicated Jurisdiction for Mass Claims and Non-EU Defendants on the Commission's Agenda



The Brussels Ia Regulation (Regulation (EU) No 1215/2012, "**Regulation**") is the backbone of EU private international law: It determines which Member States' courts have jurisdiction in cross-border civil and commercial disputes and ensures that judgments are enforced across the EU without requiring separate enforceability proceedings before the relevant national courts. On 2 June 2025, the European Commission ("**Commission**") published its statutory report on the Regulation's application ("**Report**"). While the Report concludes that the Regulation has operated well overall and achieved its main objectives, it flags a number of areas for possible reform and states that the Commission will initiate a formal review of the Regulation to consider and potentially prepare a proposal to amend or recast it. That review opened in September 2026 with a formal Call for Evidence, and a legislative proposal is tentatively planned for Q4 2027. This briefing gives a compact overview of the Commission's policy options and the most consequential items on the reform agenda which are, inter alia, especially relevant for enterprises with non-EU subsidiaries.

Key themes

- 1 The Commission's three policy options for reform
- 2 Dedicated jurisdiction for mass claims (collective redress)
- 3 Extension of jurisdiction to non-EU domiciled defendants
- 4 Simplification of jurisdictional rules under Articles 7(1) and 7(2)
- 5 Priority rule for parallel proceedings (*lis pendens*)

PROCESS AND TIMELINE

The review process began with the Commission's Call for Evidence and a 12-week public consultation, through which the stakeholders were invited to provide their feedback on the reform options under consideration. In parallel, the Commission is conducting targeted consultations with Member States and the European Judicial Network, as well as engaging with academics and stakeholder organisations through an informal expert group. Following the close of the public consultation on 24 November 2026, the Commission is expected to publish a factual summary within eight weeks. On the current timetable, this would be followed by a legislative proposal to amend the Regulation, tentatively scheduled for Q4 2027.

THREE POLICY OPTIONS

The Commission's Call for Evidence sets out three policy options for the review, ranging from no legislative change to a substantial overhaul of the Regulation:

- **Option 1: Baseline scenario.** No EU legislative action. The issues identified in the Report would persist and likely intensify, with any development left to the case law of the Court of Justice of the EU and non-legislative Commission measures, including infringement proceedings.
- **Option 2: Targeted clarification and simplification.** A less ambitious legislative intervention limited to clarifying, simplifying and modernising existing rules. It would streamline certain procedural features, address digitalisation, and consider the merits of maintaining parallel cross-border enforcement mechanisms.
- **Option 3: Comprehensive amendment and substantial reform.** The most ambitious option, which includes everything in Option 2 but adds substantial amendments to the Regulation, specifically the introduction of jurisdictional rules for defendants domiciled in non-EU countries and specific new rules on collective redress actions.

Which of the three options the Commission will pursue, and therefore how far-reaching any eventual reform will be, remains open at this stage and will depend on the outcome of the ongoing consultation process.

COLLECTIVE REDRESS JURISDICTION

Among all the items on the Commission's agenda, the creation of new jurisdictional rules for collective redress actions (typically actions where a group of plaintiffs seeks damages from one or several defendants) stands out as the most far-reaching. It would reallocate judicial authority between Member States, reshape how national courts handle mass (consumer) claims, and affect legal certainty for any business exposed to aggregated litigation across the EU, whether from consumers or commercial counterparties.

Current position

The Regulation in its current form does not provide specific rules for mass actions. Such claims are instead governed by the Regulation's general rules on jurisdiction, which were not designed with aggregated, multi-claimant litigation in mind and whose suitability for this purpose has been questioned in practice.

The Report traces the core problem to two gaps in the current rules. First, collective proceedings cannot be consolidated in a single court. Second, no forum exists at the domicile of one of the claimants for collective claims where claimants are domiciled in different Member States. As a result, claimants in collective redress claims are, in most cases, forced to initiate proceedings before more than one court and, in multi-jurisdiction disputes, in more than one Member State, which may lead to irreconcilable judgments.

With regard to personality rights, the "mosaic" principle provides that a claimant may sue in each Member State in which a damage occurred, but only in respect of the harm suffered in that state, rather than for world-wide damage, whereas the court at the place of the event giving rise to the damage can adjudicate the entire damage.

The Report traces the issue back to the Commission's 2010 recast proposal, which had already suggested extending the Regulation to defendants domiciled outside the EU. The proposal was not taken forward at the time, partly because a multilateral solution pursued through the Hague Conference was considered preferable. The Commission now notes that this multilateral route is unlikely to deliver a binding solution on direct grounds of jurisdiction in the foreseeable future.

Reform ideas under consideration

The Report concludes that a future review could look specifically at whether the current jurisdictional rules provide a satisfactory framework for collective claims. It does not commit to a specific solution, but the case law it discusses points in a particular direction: not merely procedural streamlining, but a rule that would allow claims by geographically dispersed claimants to be brought together in a single forum, for example at the domicile of one of the claimants or of a qualified representative entity.

This would make it significantly easier for claimant groups to bring one coordinated action instead of several parallel proceedings across Member States. For any business selling or operating across the EU, this would concentrate exposure in a single proceeding and increase the practical scale and visibility of mass claims. It could also channel cross-border collective litigation towards a smaller number of national courts.

NON-EU DEFENDANT JURISDICTION

The second substantial consideration of the Commission is the extension of the Regulation's jurisdiction rules to defendants domiciled outside the EU.

Current position

Under the current Regulation, the EU jurisdiction rules generally apply only where the defendant is domiciled in a Member State. For any other dispute involving a defendant domiciled outside the EU, jurisdiction is instead governed by the national law of each Member State. The Commission identifies this as creating an uneven playing field. National rules on suing non-EU defendants vary widely, while judgments obtained on that basis still circulate EU-wide under the Regulation, even where the originating jurisdiction was exorbitant.

Reform ideas under consideration

The Report stops short of recommending a specific solution but concludes that a future review should look further into extending the jurisdiction rules to defendants domiciled outside the EU. For groups with non-EU subsidiaries, suppliers, or counterparties, this would directly affect where, and alongside which of their entities, claims against the group can be brought. The extension to non-EU defendants would likely also apply to any new collective redress rules.

SIMPLIFICATION OF ARTICLES 7(1) AND 7(2)

The Regulation's special jurisdictional rules in Articles 7(1) and 7(2) are flagged in the Report as a further area the Commission could look to simplify and modernise.

Article 7(1) sets out a special jurisdictional rule for disputes concerning contractual obligations and it refers for the determination of the jurisdiction to the "place of performance", but it does not define what should be considered as a "contractual matter", nor does it offer any guidance in that respect, and determining the "place of performance" has also proven difficult in practice.

Similar difficulties arise under Article 7(2) in non-contractual disputes, particularly in localising the place of damage in cases of pure financial loss. The so-called "mosaic" principle established in *Shevill* (C-68/93) has also been viewed as problematic in cases involving violations of personality rights, as critics argue it multiplies the fora available to claimants without serving any party's legitimate interest.

Against this backdrop, the Report concludes that a future review could explore ways to update both provisions and address these difficulties. Statutory clarification would make the position simpler and more predictable for businesses.

PRIORITY RULE FOR PARALLEL PROCEEDINGS

A further issue of practical relevance concerns a gap in the current exclusion of arbitration from the Regulation's scope. Under the current Regulation, there is no rule dealing with the relationship between arbitration and court proceedings, which can result in irreconcilable outcomes between an arbitral award (or a judgment confirming it) and a judgment from another Member State.

A similar gap exists between courts in different Member States. The Regulation allows recognition of a judgment to be refused where it is irreconcilable with an earlier judgment between the same parties. However, this ground for refusal is not linked to the rules that otherwise give priority to the court first seised. As a result, a later judgment in proceedings commenced first may, in practice, be displaced by an earlier judgment in proceedings commenced later.

The Report concludes that a future review could look into providing a clear *lis pendens* rule for the relationship between arbitration and court proceedings, determining which of two parallel proceedings should take priority, as well as into improving the consistency between the grounds for refusing recognition and the *lis pendens* rules more generally. This would reduce the risk of irreconcilable outcomes and increase predictability for parties with arbitration agreements.

SUMMARY AND OUTLOOK

The potential reforms to the Brussels Ia Regulation discussed in this briefing would reshape the jurisdictional landscape in which businesses currently operate. On the one hand, more modern and predictable jurisdiction rules could offer real benefits in complex cross-border disputes, particularly those involving digital business models, multiple jurisdictions, or multiple parties. On the other hand, a lower threshold for bringing and coordinating claims – including, potentially, claims against defendants domiciled outside the EU – could expose businesses to a wider pool of claimants able to act together, concentrating cross-border litigation into fewer but larger proceedings. Businesses in consumer-facing sectors are likely to be affected first.

The review remains at an early, open stage, and its eventual scope is not yet determined. Further developments are expected as the consultation progresses towards a concrete legislative proposal.

The issue of conflicting proceedings traces back to *London Steam-Ship Owners' Mutual Insurance Association* (C-700/20), where the CJEU ruled that recognition of a judgment from another Member State may be refused where it is irreconcilable with a judgment confirming an arbitral award, but only where the award's content could itself have been the subject of a judgment under the Regulation. Several Member States apply the arbitration exception more broadly than this ruling allows, extending it to the award itself.



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