

Attractiveness of Paris's Jurisdiction  
The International Commercial Chambers: Functioning and future trends  
Opening speech  
Chantal Arens, First President  
Symposium of 14 June 2019

Mister First president,

Sir Director of Civil Affairs for the French Ministry of Justice

Madam Chairman of the Paris Bar Association

Ladies and gentlemen,

This is just over a year that the procedural protocols establishing international commercial chambers within the Paris commercial court and Court of Appeal have been signed (7 February 2018 for an entry into force on 1<sup>st</sup> March 2018).

Although it would still seem early to draw up an initial assessment of their activities, it is now time to organise a symposium at the Court in order to highlight this major innovation in the judicial organisation of the Paris Court of Appeal and of the Commercial Court, by giving the floor to those who have imagined, built and make them live.

A first Symposium on the commercial international chambers was held in the same room in the presence of Mrs Chairman of the Paris Bar Association in December 2017, at the time of signature of the protocol with the Commercial Court and the Paris Bar and it is with great pleasure that I open the conference today, which success appears to have been achieved in view of the presence of a particularly large audience.

This event is the result of a new academic partnership that the the Paris court of appeal has established with the University of Paris Est Créteil.

I particularly welcome the investment made by the **Professor Marie-Elodie Ancel** who has taken an active part in the scientific leadership of today's symposium.

I would like to equally thank **Mister President Ancel**, who, despite having the same family name as Professor Ancel has no family relationship with herself, as well as the judges of the International Commercial Chamber of the Court.

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The diversity of interventions, the eminent quality of the speakers I very much thank for agreeing to contribute to this event, shall bring with no doubt a new lighting in the international commercial chambers, their origin, their competence and the applicable procedure.

I would like to thank **Mister First President Canivet** in particular of his presence, which gives me the opportunity to recall that you (addressed to Mister Canivet) are at the initiative of the idea of the creation of these specialised chambers. Your report of 3 May 2017 actually called for the creation in Paris of Chambers specialised in cases of litigation in the field of business law with an international component or of an international character. Therefore, I will let you speak later for you to do us the honour of turning to the genesis and the attractiveness of the Paris's jurisdiction.

The establishment of international commercial chambers is part of a logic of global competition between legal systems that has been brought to light in recent years by the Doing Business reports of the World Bank. These remind us that the legal systems of civil law and common law participate largely to the international economic competition between States in the contemporary era. Brexit negotiations started in 2016 are urging us to rethink and strengthen the advantages offered by the Paris's jurisdiction in order to adapt the judicial institution to the new international economic challenges. These strengths are major aspects of the influence of France and its legal culture abroad. **I specially thank in this regard Mister Thomas Andrieu**, Director for Civil Affairs for the French Ministry of Justice, who also honours us with its presence and to enlighten the choice made by France in this context of globalisation of international exchanges and globalisation of law.

If today, these international commercial chambers are clearly a major innovation, it is also because of the determination of the Court of Appeal, together with the Bar Association and the Commercial Court of Paris. The objective was for these two chambers to become an unavoidable place in the handling of commercial disputes between international economic operators, without legislative or regulatory change, via the development of two protocols. **Madam Chairman Marie Aimée Peyron**, Chairman of the Paris Bar Association, who I would also like to thank you very much for being present, will expose the innovation represented by the creation of these specialised chambers. Your presence today underlines the importance of the collaboration with the Paris Bar on the establishment of such a specialised chamber.

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**The debates of the day will be valuable for the Court**, as they will contribute to feeding the thinking about the functioning of these chambers, and why not, also suggest developments, either for the handling of international trade disputes (1) or even to ensure the durability of the arrangement, which I recall has been created without changing the law (2).

Let me briefly go back to these two points in this opening speech.

**1)** Thinking how to deal with disputes before these chambers in fact never stopped since their creation with **the objective to publish in the months to come a bilingual practical guide** (French-English), the purpose of which is to present in a detailed but also didactic manner the proceedings from the referral of the case to the judgment.

This Practical Guide shall provide a valuable tool allowing to raise awareness of these international commercial chambers and in particular, a better understanding of the specific features of the judicial service offer in the Paris Court of Appeal: a double degree of jurisdiction which allows an examination of the dispute at first instance by judges of the Commercial Court that are non-professional but have due to their former duties, an acute knowledge of business and economic issues, and secondly on appeal, by professional judges with strong legal and judicial experience and proven knowledge in commercial law and private international law.

However, the purpose of drawing up this guide is not only to promote these chambers.

It should also be an opportunity to propose and systematise new practices, inspired by foreign experiences, to take account of the special nature of international trade disputes and enabling the emergence of international standards drawing on their own rules in the countries of civil law and in the countries of Common law.

It is thus a matter of continuing the comparative spirit which has animated the procedural protocols writers, which the Court of Appeal does not intend to leave.

These chambers represent a unique opportunity to test new practices without changing the law.

They must also help to adapt the wording of decisions (judgements of the commercial court and of the Court of appeal) to establish a “template” of judgements that can be easily understood by economic stakeholders all over the world.

This work will finally feed into a broader thinking on the attractiveness of the Paris Court of Appeal as a whole and it is planned, in the long term, to extend the new practices to other chambers if they are also suitable for other types of litigation and benefit all litigants.

**2) The question of the perpetuation of international chambers in the Paris Court of Appeal** may also lead in the mid term to the thinking on a regulatory frameworking of the scheme.

As will probably recall the first President Guy Canivet, the choice of setting up these chambers within the jurisdiction of the Paris Court of appeal has been made because of the specificities of its own jurisdiction; this includes the very high concentration of economic activity, banking and legal in the same territory; in addition, the Paris Court of appeal already knows of disputes with a strong international dimension on an exclusive basis appeals against decisions of the Competition Authority or of the Authority of financial markets, or the exclusive jurisdiction of Paris in French and European patent and EU trade marks ...

The economic division of the Paris Cour of Appeal has thus already exclusive jurisdiction for multiple litigation, which justifies all the more the attraction to the Paris Cour of Appeal of disputes in these fields having an international dimension

Even though the establishment of an international commercial chamber in the Paris Court of Appeal must be accompanied, as highlighted in the report of the Legal High Committee for Financial Markets of Paris (HCJP), by human and material resources, the reflection leads more to suggesting a regulatory consolidation of the jurisdiction of the Paris Court of Appeal and I do not doubt about the attention that may be given by the Director of the civil Affairs for the French Ministry of Justice to this proposal.

As you will have understood, there is no shortage of topics around the international chambers and we expect very much that this symposium will contribute to feed into the debate on this major challenge for the coming years and to show the capacity of our judicial organisation to facing up to the challenges of a changing world.

I know, given the quality of the speakers, that our expectations will be fully satisfied.

The richness of this afternoon’s agenda and my wish for you to benefit from the debate at the earliest opportunity means that I do not present them in detail and I hope they will apologise for this.

However, reading the minutes of the preparatory meetings, I would like to warmly thank them for the energy and the time they have devoted to this symposium.

We will close the debate by listening carefully to the summary from **Mister Emmanuel Gaillard**,

Visiting Professor at the Yale Law School and at the Harvard Law School. I would like to thank him for his presence as well as having agreed to this noble and difficult task.

I know I can count on all of you to give time to discuss with the audience; but also on the moderator of the two roundtables, and time watchdog, Mister **Gilles Cuniberti**, Law Professor at the University of Luxembourg, to whom I leave the floor, after this brief quote from Albert Einstein that seems perfectly suited to the theme of the today symposium:

*“Creativity is contagious, share it”.*

I wish all of you a great symposium and rich works.