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PREFACE TO THE SIXTH EDITION

The recast version of the Brussels I Regulation, Regulation 1215/2012, was published in the Official Journal just before Christmas 2012, giving those with an interest in such things two years plus 20 days to ready themselves for new European rules of jurisdiction. But the recast version of the Statutory Instrument made to tie up the loose ends was something else entirely: two years went by before the United Kingdom managed to produce it. Had it been otherwise, this edition could have come out as the Regulation came in. But one might as well have been wishing for the moon on a plate.

As things turned out, the recast Regulation was not quite the radical instrument which had been forecast or feared. For judgments obtained in proceedings instituted on or after 10 January 2015 it removed the requirement that a judgment creditor apply for a judicial order giving the green light to enforcement of a judgment from another Member State. But the cost of having to apply for a judicial order, which served as a costly *terminus a quo* for challenges to recognition which were hardly ever made, was out of all proportion to the benefit achieved thereby; and once that was acknowledged its days were numbered. Maybe getting rid of it was so mighty an accomplishment that other matters, which might also have been attended to, could be put off, though some of the proposed changes which were not eventually made were opportunities timidly lost. Of the changes which were made, most, though not all, were for the better, though when one considers what was done to clarify the relationship between the Regulation and arbitration, it is hard to say whether it was all much ado about nothing, or nothing done about much, or both at the same time. Yet though we did not get everything we might have wanted, and were given a couple of things we would have been better off without, the law took two steps forward, one step back. When the recast Regulation is looked at again, as is promised for its tenth birthday, a further edition of this book will, *deo volente*, be there to deal with it.

The European Court has been busy with the original version of the Regulation: as national courts at all levels may now make references for a preliminary ruling on it, this was only to be expected. In spite of the fact that it seems increasingly prepared to get by without the assistance of an Opinion from an Advocate General, judgments now tend to be more predictable just as, ironically, these Opinions appear to be going increasingly wild. Predictable also was the Court's decision to give up the struggle to publish its Reports in hard copy. No doubt the cost of producing upwards of a dozen slab-like volumes a year, in 20-odd official languages, was unsustainable, but whatever tipped the balance, official publication is now in digital form only. The Court's adoption of a neutral citation for its judgments is a helpful, if inelegant, addition: it has been used in this edition for decisions published by the Court from 1 January 2012, from which date no new European Court Report will see the light of day.