

## Introduction of Detailed Rules of International Adjudicatory Jurisdiction in Korea: Proposed Amendment of the Private International Law Act (summary)

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The current Private International Law Act of the Republic of Korea (“KPILA”) includes three articles on international jurisdiction (“Jurisdiction”) introduced in 2001, *i.e.*, Art. 2 on general rules and Arts. 27 and 28 on protective Jurisdiction. Korean legislators were satisfied in 2001 with the transitory measure because then the “Judgment Project” of the Hague Conference on Private International Law aimed at developing a comprehensive worldwide convention on Jurisdiction and foreign judgments was under way. Since the Project failed, it is time for the Korean legislators to complete its plan to insert detailed rules on Jurisdiction in the KPILA. The Korean Ministry of Justice (“KMOJ”) established in June 2014 an expert committee (“Committee”) in charge of amending the KPILA. Korea will insert the rules on Jurisdiction on not only property law matters but also family law and succession law matters in the KPILA, in parallel with existing rules on applicable law. Through its work over 18 months the Committee could reach agreement on various tricky issues including structure of the Jurisdiction rules, *forum non conveniens*, *lis pendens*, family matters and non-contentious matters. First, general rules on Jurisdiction which apply to Jurisdiction in general or to various legal relationships will be inserted in Chapter 1. These include rules on general jurisdiction, jurisdiction based upon the presence of property of the defendant or the presence of office or branch, jurisdiction based upon the activity of the defendant, international jurisdiction agreement, appearance, jurisdiction based upon the relationship between claims or parties, counter-claims, *lis pendens*, exceptions in relation to family matters and succession matters, provisional measures and *forum non conveniens*. As to *lis pendens*, rules resembling Art. 21 of the 1999 Preliminary Draft will be inserted in the amended KPILA. An article permitting the *forum non conveniens* doctrine will also be added. Second, special rules on Jurisdiction consisting of rules on exclusive Jurisdiction and special Jurisdiction will be inserted in Chapters 2 through 10 (except for Chapter 3). New Section 1 on Jurisdiction will be added in Chapters 2 through 9 and existing articles on governing law will be moved to Section 2 in each chapter. Unfor-

tunately, however, the Committee whose term has expired on December 31, 2015 could not succeed in preparing the final draft of the amended KPILA until the end of July 31, 2016. The KMOJ is expected to take necessary measures to complete the preparation of the final draft in due course. The KMOJ has finally finished preparing a final draft of the amended KPILA and made a prior legislative notice to the public in January of 2018. The KMOJ is expected to submit the final draft with some minor changes to the National Assembly within the year 2018.