

ANTI-SUIT INJUNCTIONS IN FRANCE

On the one hand, French courts are not opposed to anti-suit injunctions, but have a very careful approach regarding them. According in particular to the *In Zone Brands* decision of France's Supreme Court ("*Cour de cassation*", 14 Oct. 2009), an anti-suit injunction ordered by a foreign judge can be recognized and enforced in France subject to three conditions: (i) the absence of fraud, (ii) the existence of a sufficient link between the dispute and the foreign judge and (iii) the absence of violation of international public policy (in particular as regards the right of access to the judge and the respect of European law).

On the other hand, French courts are an arbitration-friendly jurisdiction in the sense that they favor the autonomy of arbitration resulting from the will of the parties and thus refuse to interfere with arbitration proceedings (see in particular the *Equatorial Guinea* decision rendered on 29 March 2010 by the President of Paris Regional Court). Therefore, though there has been so far no case law in this respect, one may anticipate that French courts would refuse to order and/or to recognize and enforce an anti-suit injunction against an arbitration.

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