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Project B IA RE: JUST/2014/JCOO/AG/CIVI/7749

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Judgments of the Court of Justice of the European Union on recognition and enforcement of foreign judgments

Number	ECLI identifier	Name of the case and number in the register	Interpreted instrument and relevant provision(s)	Key terms	Operative part of the judgment
1.	EU:C:2011:668	<i>Realchemie Nederland</i> , C-406/09	Brussels I Regulation	Regulation (EC) No 44/2001 – Jurisdiction and recognition and enforcement of judgments – Definition of ‘civil and commercial matters’ – Recognition and enforcement of an order imposing a fine – Directive 2004/48/EC – Intellectual property rights – Infringement of those rights – Measures, procedures and remedies – Sentence – Exequatur procedure – Related legal costs	<p>1. The concept of ‘civil and commercial matters’ in Article 1 of BIR must be interpreted as meaning that that regulation applies to the recognition and enforcement of a decision of a court or tribunal that contains an order to pay a fine in order to ensure compliance with a judgment given in a civil and commercial matter.</p> <p>2. The costs relating to an exequatur procedure brought in a Member State, in the course of which the recognition and enforcement is sought of a judgment given in another Member State in proceedings seeking to enforce an intellectual property right, fall within Article 14 of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.</p>
2.	EU:C:1988:61	<i>Hoffmann v Krieg</i> , C-145/86	Brussels Convention, Art. 26, 27, 31 and 36	/	<p>(1) A foreign judgment which has been recognized by virtue of Article 26 of the BC must in principle have the same effects in the State in which enforcement is sought as it does in the State in which the judgment was given;</p> <p>(2) A foreign judgment whose enforcement has been ordered in a Contracting State pursuant to Article 31 of the BC and which remains enforceable in the State in which it was given must not continue to be enforced in the State where enforcement is sought when, under the law of the latter</p>



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					<p>State, it ceases to be enforceable for reasons which lie outside the scope of the Convention;</p> <p>(3) A foreign judgment ordering a person to make maintenance payments to his spouse by virtue of his conjugal obligations to support her is irreconcilable within the meaning of Article 27 (3) of the BC with a national judgment pronouncing the divorce of the spouses;</p> <p>(4) Article 36 of the BC must be interpreted as meaning that a party who has not appealed against the enforcement order referred to in that provision is thereafter precluded, at the stage of the execution of the judgment, from relying on a valid ground which he could have pleaded in such an appeal against the enforcement order, and that that rule must be applied of their own motion by the courts of the State in which enforcement is sought. However, that rule does not apply when it has the result of obliging the national court to make the effects of a national judgment which lies outside the scope of the BC conditional on its recognition in the State in which the foreign judgment whose enforcement is at issue was given.</p>
3.	EU:C:2004:615	<i>Mærsk Olie & Gas</i> , C-39/02	Brussels Convention, Arts. 25 and 27(2)	Brussels Convention – Proceedings to establish a fund to limit liability in respect of the use of a ship – Action for damages – Article 21 – Lis pendens – Identical parties – Court first seised – Identical subject-matter and cause of action – None – Article 25 – 'Judgment' – Article 27(2) – Refusal to recognise)	<ol style="list-style-type: none">1. An application to a court of a Contracting State by a shipowner for the establishment of a liability limitation fund, in which the potential victim of the damage is indicated, and an action for damages brought before a court of another Contracting State by that victim against the shipowner do not create a situation of lis pendens within the terms of Article 21 of the BC.2. A decision ordering the establishment of a liability limitation fund, such as that in the main proceedings in the present case, is a judgment within the terms of Article 25 of that Convention.3. A decision to establish a liability limitation fund, in the absence of prior service on the claimant concerned, and even where the latter has appealed against that decision in order to challenge the jurisdiction of the court which delivered it, cannot be refused recognition in another Contracting State



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					pursuant to Article 27(2) of that BC, on condition that it was duly served on or notified to the defendant in good time.
4.	EU:C:2012:719	<i>Gothaer Allgemeine Versicherung and Others</i> , C-456/11	Brussels I Regulation, Arts. 32 and 33	Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – Articles 32 and 33 – Recognition of judgments – Concept of ‘judgment’ – Effects of a judgment on international jurisdiction – Jurisdiction clause	1. Article 32 of BIR must be interpreted as meaning that it also covers a judgment by which the court of a Member State declines jurisdiction on the basis of a jurisdiction clause, irrespective of how that judgment is categorised under the law of another Member State. 2. Articles 32 and 33 of BIR must be interpreted as meaning that the court before which recognition is sought of a judgment by which a court of another Member State has declined jurisdiction on the basis of a jurisdiction clause is bound by the finding – made in the grounds of a judgment, which has since become final, declaring the action inadmissible – regarding the validity of that clause.
5.	EU:C:2009:219	<i>Marco Gambazzi v DaimlerChrysler Canada Inc. and CIBC Mellon Trust Company</i> , C-394/07	Brussels Convention, Art. 27(1)	Brussels Convention – Recognition and enforcement of judgments – Grounds for refusal – Infringement of public policy in the State in which enforcement is sought – Exclusion of the defendant from the proceedings before the court of the State of origin because of failure to comply with a court order	Article 27(1) of the BC is to be interpreted as follows: the court of the State in which enforcement is sought may take into account, with regard to the public policy clause referred to in that article, the fact that the court of the State of origin ruled on the applicant’s claims without hearing the defendant, who entered appearance before it but who was excluded from the proceedings by order on the ground that he had not complied with the obligations imposed by an order made earlier in the same proceedings, if, following a comprehensive assessment of the proceedings and in the light of all the circumstances, it appears to it that that exclusion measure constituted a manifest and disproportionate infringement of the defendant’s right to be heard.
6.	EU:C:2000:164	<i>Dieter Krombach v André Bamberski</i> , C-7/98	Brussels Convention, Art. 27(1)	Brussels Convention - Enforcement of judgments - Public policy	Article 27, point 1, of the BC must be interpreted as follows: (1) The court of the State in which enforcement is sought cannot, with respect to a defendant domiciled in that State, take account, for the purposes of the public-policy clause in Article 27, point 1, of that Convention, of the fact, without more, that the court of the State of origin based its jurisdiction on the nationality of the victim of an offence.



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					(2) The court of the State in which enforcement is sought can, with respect to a defendant domiciled in that State and prosecuted for an intentional offence, take account, in relation to the public-policy clause in Article 27, point 1, of that Convention, of the fact that the court of the State of origin refused to allow that person to have his defence presented unless he appeared in person.
7.	EU:C:2012:531	<i>Trade Agency</i> , C-619/10	Brussels I Regulation, Art. 34(1) and (2)	Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – Enforcement – Grounds for challenge – Document instituting proceedings not served on the defendant – Review by the court in which enforcement is sought – Scope – Value of the information in the certificate – Infringement of public policy – Judgment lacking reasoning	<p>1. Article 34(2) of BIR, to which Article 45(1) thereof refers, read in conjunction with recitals 16 and 17 in the preamble, must be interpreted as meaning that, where the defendant brings an action against the declaration of enforceability of a judgment given in default of appearance in the Member State of origin which is accompanied by the certificate provided for by Article 54 of that regulation, claiming that he has not been served with the document instituting the proceedings, the court of the Member State in which enforcement is sought hearing the action has jurisdiction to verify that the information in that certificate is consistent with the evidence.</p> <p>2. Article 34(1) of BIR, to which Article 45(1) thereof refers, must be interpreted as meaning that the courts of the Member State in which enforcement is sought may refuse to enforce a judgment given in default of appearance which disposes of the substance of the dispute but which does not contain an assessment of the subject-matter or the basis of the action and which lacks any argument of its merits, only if it appears to the court, after an overall assessment of the proceedings and in the light of all the relevant circumstances, that that judgment is a manifest and disproportionate breach of the defendant's right to a fair trial referred to in the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, on account of the impossibility of bringing an appropriate and effective appeal against it.</p>
8.	EU:C:2009:271	<i>Meletis Apostolides v</i>	Brussels I Regulation,	Reference for a preliminary ruling – Protocol No 10 on	1. The suspension of the application of the <i>acquis communautaire</i> in those areas of the Republic of Cyprus in



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	<i>David Charles Orams and Linda Elizabeth Orams, C-420/07</i>	Arts. 34(1) and (2), 35(1), 38 (1), 34 (2)	Cyprus – Suspension of the application of the <i>acquis communautaire</i> in the areas falling outside the effective control of the Cypriot Government – Regulation (EC) No 44/2001 – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Judgment given by a Cypriot court sitting in the area effectively controlled by the Cypriot Government and concerning immovable property situated outside that area – Articles 22(1), 34(1) and (2), 35(1) and 38(1) of that regulation	<p>which the Government of that Member State does not exercise effective control, provided for by Article 1(1) of Protocol No 10 on Cyprus to the Act concerning the conditions of accession [to the European Union] of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, does not preclude the application of BIR to a judgment which is given by a Cypriot court sitting in the area of the island effectively controlled by the Cypriot Government, but concerns land situated in areas not so controlled.</p> <p>2. Article 35(1) of BIR does not authorise the court of a Member State to refuse recognition or enforcement of a judgment given by the courts of another Member State concerning land situated in an area of the latter State over which its Government does not exercise effective control.</p> <p>3. The fact that a judgment given by the courts of a Member State concerning land situated in an area of that State over which its Government does not exercise effective control, cannot, as a practical matter, be enforced where the land is situated does not constitute a ground for refusal of recognition or enforcement under Article 34(1) of BIR and it does not mean that such a judgment is unenforceable for the purposes of Article 38(1) of that regulation.</p> <p>4. The recognition or enforcement of a default judgment cannot be refused under Article 34(2) of BIR where the defendant was able to commence proceedings to challenge the default judgment and those proceedings enabled him to argue that he had not been served with the document which instituted the proceedings or with the equivalent document in sufficient time and in such a way as to enable him to arrange for his defence.</p>
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9.	EU:C:2014:2319	<i>flyLAL-Lithuanian Airlines, C-302/13</i>	Brussels I Regulation, Art. 34	Reference for a preliminary ruling — Regulation (EC) No 44/2001 — Article 31 — Request for recognition and enforcement of a judgment ordering provisional or protective measures — Article 1(1) — Scope — Civil and commercial matters — Concept — Claim for compensation in respect of damage resulting from alleged infringements of European Union competition law — Reductions in airport charges — Article 22(2) — Exclusive jurisdiction — Concept — Dispute in proceedings concerning companies or other legal persons or associations of natural or legal persons — Decision granting reductions — Article 34(1) — Grounds for refusal of recognition — Public policy in the State in which recognition is sought	<p>1. Article 1(1) of BIR must be interpreted as meaning that an action such as that in the main proceedings, seeking legal redress for damage resulting from alleged infringements of European Union competition law, comes within the notion of ‘civil and commercial matters’ within the meaning of that provision and, therefore, falls within the scope of that regulation.</p> <p>2. Article 22(2) of BIR must be interpreted as meaning that an action such as that in the main proceedings, seeking legal redress for damage resulting from alleged infringements of European Union competition law, does not constitute proceedings having as their object the validity of the decisions of organs of companies within the meaning of that provision.</p> <p>3. Article 34(1) of BIR must be interpreted as meaning that neither the detailed rules for determining the amount of the sums which are the subject of the provisional and protective measures granted by a judgment in respect of which recognition and enforcement are requested, in the case where it is possible to follow the line of reasoning which led to the determination of the amount of those sums, and even where legal remedies were available which were used to challenge such methods of calculation, nor the mere invocation of serious economic consequences constitute grounds establishing the infringement of public policy of the Member State in which recognition is sought which would permit the refusal of recognition and enforcement in that Member State of such a judgment given in another Member State.</p>
10.	EU:C:2015:471	<i>Diageo Brands, C-681/13</i>	Brussels I Regulation, Art. 34(1)	Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Recognition and enforcement of judgments — Grounds for refusing enforcement — Infringement of public policy in the State in	<p>1. Article 34(1) of BIR must be interpreted as meaning that the fact that a judgment given in a Member State is contrary to EU law does not justify that judgment’s not being recognised in another Member State on the grounds that it infringes public policy in that State where the error of law relied on does not constitute a manifest breach of a rule of law regarded as essential in the EU legal order and therefore in the legal order of the Member State in which recognition</p>



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				<p>which recognition is sought — Judgment given by a court in another Member State contrary to EU law on trade marks — Directive 2004/48/EC — Enforcement of intellectual property rights — Legal costs</p>	<p>is sought or of a right recognised as being fundamental in those legal orders. That is not the case of an error affecting the application of a provision such as Article 5(3) of Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks, as amended by the Agreement on the European Economic Area of 2 May 1992.</p> <p>When determining whether there is a manifest breach of public policy in the State in which recognition is sought, the court of that State must take account of the fact that, save where specific circumstances make it too difficult, or impossible, to make use of the legal remedies in the Member State of origin, the individuals concerned must avail themselves of all the legal remedies available in that Member State with a view to preventing such a breach before it occurs.</p> <p>2. Article 14 of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights must be interpreted as applying to the legal costs incurred by the parties in the context of an action for damages, brought in a Member State, to compensate for the injury caused as a result of a seizure carried out in another Member State, which was intended to prevent an infringement of an intellectual property right, when, in connection with that action, a question arises concerning the recognition of a judgment given in that other Member State declaring that seizure to be unjustified.</p>
11.	EU:C:1994:221	<i>Solo Kleinmotoren GmbH v Emilio Boch</i> , C-414/92	Brussels Convention, Art. 27(3)	/	Article 27(3) of the BC is to be interpreted as meaning that an enforceable settlement reached before a court of the State in which recognition is sought in order to settle legal proceedings which are in progress does not constitute a 'judgment', within the meaning of that provision, 'given in a dispute between the same parties in the State in which recognition is sought' which, under the Convention, may



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					preclude recognition and enforcement of a judgment given in another Contracting State.
12.	EU:C:2002:342	<i>Italian Leather</i> , C-80/00	Brussels Convention, Art. 27(3)	Brussels Convention - Article 27(3) - Irreconcilability - Enforcement procedures in the State where enforcement is sought	<ol style="list-style-type: none">1. On a proper construction of Article 27(3) of the BC, as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, by the Convention of 25 October 1982 on the Accession of the Hellenic Republic and by the Convention of 26 May 1989 on the Accession of the Kingdom of Spain and the Portuguese Republic, a foreign decision on interim measures ordering an obligor not to carry out certain acts is irreconcilable with a decision on interim measures refusing to grant such an order in a dispute between the same parties in the State where recognition is sought.2. Where a court of the State in which recognition is sought finds that a judgment of a court of another Contracting State is irreconcilable with a judgment given by a court of the former State in a dispute between the same parties, it is required to refuse to recognise the foreign judgment.
13.	EU:C:1996:380	<i>Hendrikman and Feyen v Magenta Druck & Verlag</i> , C-78/95	Art. 27(1) and (2) of the Brussels Convention	/	Article 27(2) of the BC, as amended by the Convention of 9 October 1978 relating to the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, applies to judgments given against a defendant who was not duly served with, or notified of, the document instituting proceedings in sufficient time and who was not validly represented during those proceedings, albeit the judgments given were not given in default of appearance because someone purporting to represent the defendant appeared before the court first seised.
14.	EU:C:2006:787	<i>ASML</i> , C-283/05	Brussels I Regulation, Art. 34(2)	Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Regulation (EC) No 44/2001 –	Article 34(2) of BIR is to be interpreted as meaning that it is ‘possible’ for a defendant to bring proceedings to challenge a default judgment against him only if he was in fact acquainted with its contents, because it was served on him in sufficient time to enable him to arrange for his defence



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				Recognition and enforcement – Article 34(2) – Judgment given in default of appearance – Ground for refusal – Meaning of the requirement that it must be ‘possible’ for a defendant in default of appearance to commence proceedings to challenge the judgment – Failure to serve the judgment	before the courts of the State in which the judgment was given.
15.	EU:C:1985:252	<i>Debaecker v Bouwman</i> , C-49/84	Brussels Convention, Art. 27(2)	/	(1) The requirement, laid down in Article 27 (2) of the BC, that service of the document which instituted the proceedings should have been effected in sufficient time is applicable where service was effected within a period prescribed by the court of the State in which the judgment was given or where the defendant resided, exclusively or otherwise, within the jurisdiction of that court or in the same country as that court. (2) In examining whether service was effected in sufficient time, the court in which enforcement is sought may take account of exceptional circumstances which arose after service was duly effected. (3) The fact that the plaintiff was apprised of the defendant's new address, after service was effected, and the fact that the defendant was responsible for the failure of the duly served document to reach him are matters which the court in which enforcement is sought may take into account in assessing whether service was effected in sufficient time.
16.	EU:C:1990:275	<i>Lancray v Peters und Sickert</i> , C-305/88	Brussels Convention, Art. 27(2)	/	(1) Article 27(2) of the BC is to be interpreted as meaning that a judgment given in default of appearance may not be recognized where the document instituting the proceedings was not served on the defendant in due form, even though it was served in sufficient time to enable him to arrange for his defence.



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					(2) Article 27(2) of the BC is to be interpreted as meaning that questions concerning the curing of defective service are governed by the law of the State in which judgment was given, including any relevant international agreements.
	EU:C:1993:144	<i>Sonntag v Waidmann</i> , C-172/91	Brussels Convention, Arts. 27(2) and 37(2)	/	<p>1. 'Civil matters' within the meaning of the first sentence of the first paragraph of Article 1 of the BC cover an action for compensation for damage brought before a criminal court against a teacher in a State school who, during a school trip, caused injury to a pupil through a culpable and unlawful breach of his duties of supervision; this is so even where cover is provided under a social insurance scheme governed by public law.</p> <p>2. Article 37(2) of the BC must be interpreted as precluding any appeal by interested third parties against a judgment given on an appeal under Article 36 of the Convention, even where the domestic law of the State in which enforcement is sought confers on such third parties a right of appeal.</p> <p>3. Non-recognition of a judgment for the reasons set out in Article 27(2) of the Convention is possible only where the defendant was in default of appearance in the original proceedings. Consequently, that provision may not be relied upon where the defendant appeared. A defendant is deemed to have appeared for the purposes of Article 27(2) of the BC where, in connection with a claim for compensation joined to criminal proceedings, he answered at the trial, through counsel of his own choice, to the criminal charges but did not express a view on the civil claim, on which oral argument was also submitted in the presence of his counsel.</p>
17.	EU:C:2005:606	<i>Scania Finance France</i> , C-522/03	Art. 27(2) of the Brussels Convention and Art. 4 of the Protocol of 27	Brussels Convention – Recognition and enforcement – Grounds for refusal – Meaning of ‘duly served’	Article 27 of the BC, as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, by the Convention of 25 October 1982 on the Accession of the Hellenic Republic, by the Convention of 26 May 1989 on the Accession of the Kingdom of Spain and the Portuguese Republic and by the Convention of 29



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			September 1968 to the Brussels Convention		November 1996 on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, and the first paragraph of Article IV of the Protocol annexed to that convention, must be interpreted as meaning that, where a relevant international convention is applicable between the State in which the judgment is given and the State in which recognition is sought, the question whether the document instituting the proceedings was duly served on a defendant in default of appearance must be determined in the light of the provisions of that convention, without prejudice to the use of direct transmission between public officers, where the State in which recognition is sought has not officially objected, in accordance with the second paragraph of Article IV of the Protocol.
18.	EU:C:1981:120	<i>Rinkau</i> , C-157/80	Art. 2 of the Protocol of 27 September 1968 to the Brussels Convention	/	<p>1. The expression "an offence which was not intentionally committed" within the meaning of Article II of the Protocol annexed to the BC should be understood as meaning any offence the legal definition of which does not require, either expressly or as appears from the nature of the offence defined, the existence of intent on the part of the accused to commit the punishable act or omission.</p> <p>2. The accused's right to be defended without appearing in person, granted by Article II of the Protocol annexed to the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, applies in all criminal proceedings concerning offences which were not intentionally committed, in which the accused's liability at civil law, arising from the elements of the offence for which he is being prosecuted, is in question or on which such liability might subsequently be based.</p>
19.	EU:C:1980:130	<i>Denilauler v Couchet</i> , C-125/79	Brussels Convention, Art. 27(2),	/	Judicial decisions authorizing provisional or protective measures, which are delivered without the party against which they are directed having been summoned to appear and which are intended to be enforced without prior service



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			46(2) and 47(1)		do not come within the system of recognition and enforcement provided for by Title III of the BC.
20.	EU:C:2013:597	<i>Salzgitter Mannesmann Handel</i> , C-157/12	Brussels I Regulation, Art. 34(3) and (4)	Area of freedom, security and justice – Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – Article 34(3) and (4) – Recognition of a judgment given in another Member State – Situation whereby that judgment is irreconcilable with an earlier judgment given in that Member State involving the same cause of action and between the same parties	Article 34(4) of BIR must be interpreted as not covering irreconcilable judgments given by courts of the same Member State.
21.	EU:C:2014:212	<i>Weber</i> , C-438/12	Brussels I Regulation, Art. 35(1)	Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Article 22(1) — Exclusive jurisdiction — Disputes in proceedings which have as their object rights in rem in immovable property — Nature of the right of pre-emption — Article 27(1) — Lis pendens — Concept of proceedings involving the same cause of action and between the same parties — Relationship between Articles 22(1) and 27(1) — Article 28(1) — Related actions — Criteria for assessing whether to stay proceedings	<ol style="list-style-type: none">1. Article 22(1) of BIR, must be interpreted as meaning that there falls within the category of proceedings which have as their object ‘rights in rem in immovable property’ within the meaning of that provision an action such as that brought in the present case before the courts of another Member State, seeking a declaration of invalidity of the exercise of a right of pre-emption attaching to that property and which produces effects with respect to all the parties.2. Article 27(1) of BIR must be interpreted as meaning that, before staying its proceedings in accordance with that provision, the court second seised is required to examine whether, by reason of a failure to take into consideration the exclusive jurisdiction laid down in Article 22(1) thereof, the decision of the court first seised will be recognised in the other Member States in accordance with Article 35(1) of that regulation.



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22.	EU:C:1999:202	<i>Mietz</i> , C-99/96	Brussels Convention, Art. 28	Brussels Convention - <input type="checkbox"/> Concept of provisional measures - Construction and delivery of a motor yacht)	<p>1. Article 13, first paragraph, point 1, of the BC, must be construed as not applying to a contract between two parties having the following characteristics, that is to say, a contract:</p> <ul style="list-style-type: none"><input type="checkbox"/> relating to the manufacture by the first contracting party of goods corresponding to a standard model, to which certain alterations have been made;<input type="checkbox"/> by which the first contracting party has undertaken to transfer the property in those goods to the second contracting party, who has undertaken, by way of consideration, to pay the price in several instalments; and<input type="checkbox"/> in which provision is made for the final instalment to be paid before possession of the goods is transferred definitively to the second contracting party. <p>It is in this regard irrelevant that the contracting parties have described their contract as a 'contract of sale. A contract having the characteristics mentioned above is however to be classified as a contract for the supply of services or of goods within the meaning of Article 13, first paragraph, point 3, of the Convention of 27 September 1968. It is for the national court, should the need arise, to determine whether the particular case before it involves a supply of services or a supply of goods.</p> <p>2. A judgment ordering interim payment of contractual consideration, delivered at the end of a procedure such as that provided for under Articles 289 to 297 of the Netherlands Code of Civil Procedure by a court not having jurisdiction under the Convention of 27 September 1968 as to the substance of the matter is not a provisional measure capable of being granted under Article 24 of that Convention unless, first, repayment to the defendant of the sum awarded is guaranteed if the plaintiff is unsuccessful as regards the substance of his claim and, second, the measure ordered relates only to specific assets of the defendant located or to be located within the confines of the territorial jurisdiction of the court to which application is made.</p>
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23.	EU:C:2009:263	<i>Draka NK Cables and Others</i> , C-167/08	Brussels I Regulation, Art. 43(1)	Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – Article 43(1) – Jurisdiction and enforcement of judgments – Notion of ‘party’	Article 43(1) of BIR must be interpreted as meaning that a creditor of a debtor cannot lodge an appeal against a decision on a request for a declaration of enforceability if he has not formally appeared as a party in the proceedings in which another creditor of that debtor applied for that declaration of enforceability.
24.	EU:C:2006:113	<i>Verdoliva</i> , C-3/05	Brussels Convention, Art. 36	Brussels Convention – Judgment authorising the enforcement of a judgment given in another Contracting State – Failure of, or defective, service – Notice – Time for appealing	Article 36 of the BC, as amended by the Convention of 9 October 1978 on the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, the Convention of 25 October 1982 on the accession of the Republic of Greece and the Convention of 26 May 1989 on the accession of the Kingdom of Spain and the Portuguese Republic, is to be interpreted as requiring due service of the decision authorising enforcement in accordance with the procedural rules of the Contracting State in which enforcement is sought, and therefore, in cases of failure of, or defective, service of the decision authorising enforcement, the mere fact that the party against whom enforcement is sought has notice of that decision is not sufficient to cause time to run for the purposes of the time-limit fixed in that article.
25.	EU:C:2011:653	<i>Prism Investments</i> , C-139/10	Brussels I Regulation, Art. 45	Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – Enforcement – Grounds for refusing enforcement – Compliance, in the State in which it was delivered, with the judgment in respect of which the declaration of enforceability is sought	Article 45 of BIR must be interpreted as precluding the court with which an appeal is lodged under Article 43 or Article 44 of that regulation from refusing or revoking a declaration of enforceability of a judgment on a ground other than those set out in Articles 34 and 35 thereof, such as compliance with that judgment in the Member State of origin.



Questions Referred for the Preliminary Ruling on recognition and enforcement of foreign judgments

Number	ECLI identifier	Name of the case and number in the register	Instrument and relevant provision(s) referred for interpretation	Questions referred for interpretation
1.	/	<i>Meroni</i> , C-559/14	Brussels I Regulation, Art. 34 (1)	<p>1. Must Article 34(1) of the BIR be interpreted as meaning that, in the context of proceedings for the recognition of a foreign judgment, infringement of the rights of persons who are not parties to the main proceedings may constitute grounds for applying the public policy clause contained in Article 34(1) of the BIR and for refusing to recognise the foreign judgment in so far as it affects persons who are not parties to the main proceedings?</p> <p>2. If the first question is answered in the affirmative, must Article 47 of the Charter be interpreted as meaning that the principle of the right to a fair trial set out therein allows proceedings for the adoption of provisional protective measures to limit the economic rights of a person who has not been a party to the proceedings, if provision is made to the effect that any person who is affected by the decision on the provisional protective measures is to have the right at any time to request the court to vary or discharge the judgment, in a situation in which it is left to the applicants to notify the decision to the persons concerned?</p>
2.	/	<i>Lebek</i> , C-70/15	Brussels I Regulation, Art. 34 (2)	<p>1. Must Article 34(2) of BIR (1) be interpreted as meaning that the possibility of commencing proceedings to challenge a judgment laid down therein covers both the situation in which such a challenge can be brought within the time-limit laid down in national law and the situation in which that time-limit has already passed but it is possible to submit an application for relief from the effects of its passing and then — following the grant of such relief — actually to commence such proceedings?</p> <p>2. Must Article 19(4) of Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (2) be interpreted as excluding the application of provisions of national law concerning the possibility of relief from the effects of the expiry of the time for appeal or as meaning that the defendant has the choice of availing himself of either the application for relief provided for in that provision or the relevant set of provisions under national law?</p>



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3.	EU:C:2012:342	<i>GREP</i> , C-156/12	Brussels I Regulation, Art. 23, 43(1) and 45	<p>1. Is the first sentence of Article 51(1) of the Charter of Fundamental Rights of the European Union to be interpreted as meaning that proceedings for a declaration of enforceability of judgments given in a Member State pursuant to Article 38 et seq. of Council Regulation No 44/2001 (1) also fall within the scope of the Charter?</p> <p>2.a) If so, does the principle of effective judicial protection enshrined in Article 47 of the Charter cover a claim for exemption from the payment of court costs, in particular a fixed fee payable on lodging an appeal, and/or fees for the assistance of a lawyer in proceedings of the kind referred to in question 1?</p> <p>2.b) Does this apply also to enforcement proceedings to be conducted in accordance with national law or, at least, to simultaneous appeal proceedings concerning consent to enforcement if the court has given a decision on the application for a declaration of enforceability and consent to enforcement together in one order?</p> <p>3. Does a right to legal aid in the above sense arise at least in the alternative from Article 43(1) of Regulation No 44/2001 and/or Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms where national law requires a party to be represented before the court by a lawyer for the lodging of the appeal in question?</p>
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