



Project **B IA RE: JUST/2014/JCOO/AG/CIVI/7749**
Coordinator Prof. Dr. Vesna Rijavec, Prof. Dr. Tomaž Keresteš
Faculty of Law, University of Maribor

With financial support from the Civil Justice/Criminal Justice Programme of the European Union

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Austria

OGH 3 Ob 152/15x.

OGH 3 Ob 221/04b.

OGH 3 Ob 160/98w; 3 Ob 98/03p; RIS-Justiz RS0117940.

OGH 3 Ob 169/03d; 3 Ob 217/00h; RIS-Justiz RS0001368.

OGH 3 Ob 289/04b; 2 Ob 232/08v; 4 Ob 16/10x; RIS-Justiz RS0000188.

Belgium

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Const. Court 7 June 2001, 79/2001.

Cass. 8 January 2004, C.01.0453.N.

Cass. 21 December 2007, C.06.0155.F.

Cass. 27 April 2010, P.10.0512.N.

Court of Cassation 29 April 2010, AR n° C.09.0176.N-C.09.0479.N.

Court of Cassation. C.04.0137.N. 23 April 2007.

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Cass. 4 February 2011, RW 2011-12, 866-867.

Cass. 3 May 2011, P.10.1865.N.

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Cass. 7 February 2014, C.12.0571.F.

Cass. 15 May 2015, C.12.0568.N.



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Cass. 29 January 2016, C.14.00006.F.

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Croatia

Commercial Court in Zagreb, Povrv-3361/16 of 24.08.2016.

Commercial Court, Pč-7269/2016-2.

Country Court in Split, Gč Ovr 1011/2016-1 of 06.07.2016.

Supreme Court of the Republic of Croatia, Revt-419/16-4 of 15.03.2017.

Czech Republic

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Supreme Court of the Czechoslovak Socialist Republic, Cpjf 27/86. 27.8.1987.

Supreme Court of the Czech Republic, 18 January 2005, 21 Cdo 2053/2004.

England and Wales

ABC I v Banque Franco-Tunisienne [2002] 1 Lloyd's Rep 511 (Comm) 538.

Adams v Cape Industries plc [1990] Ch 433.

Air Foyle Ltd v Center Capital Ltd [2002] EWHC 2535 (Comm), [2003] 2 Lloyd's Rep 753.

Berkeley Administration Inc v McClelland (No 2) [1996] 1 L Pr 772 (CA) 781–2.

Berkeley Administration Inc v McClelland [1995] 1 L Pr 201 (CA) 214, 221.

Bhura v Bhura [2012] EWHC 3633 (Fam).

Boss Group Ltd v Boss France SA, [1997] 1 WLR 351 (CA) 359.

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Carl Zeiss Stiftung v Rayner and Keeler Ltd [1967] 1 AC 853.
Congentra AG v Sixteen Thirteen Marine SA [2008] EWHC 1615 (Comm).
Credit Agricole Indosuez v Unicof Ltd [2003] EWHC 77 (Comm).
Cruz City 1 Mauritius Holdings v Unitech Ltd [2014] EWHC 3131.
Cyprus Popular Bank Public Co Ltd v. Vgenopoulos. 2016. EWHC 1442 (QB).
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High Court
Desert Sun Loan Corp v Hill [1996] 2 All ER 847, CA.
Director-General of Fair Trading v First National Bank Plc [2001] UKHL 52.
Fennoscandia Ltd v Clarke [1999] 1 All ER (Comm) 365, CA.
Fourie v Le Roux [2007] 1 WLR 320.
Helmville Ltd v Astilleros Espanoles SA (The Jocelyne) [1984] 2 Lloyd's Rep. 569.
Henderson v Foxworth Investments Ltd [2014] 1 WLR 2600.
Holmes v Millage [1893] 1 Q.B. 551.
House of Spring Garden v Waite [1991] 1 QB 241.
Humphries v Humphries [1910] 2 KB 531 CA.
Hunter v Chief Constable of the West Midlands [1982] AC 529.
Integral Petroleum SA v SCU-Finanz AG [2014] EWHC 702 (Comm).
JSC VTB Bank v Pavel Skurikhin & Others [2015] EWHC 2131 (Comm).
Lothschutz v. Vogel. EWHC 473 (QB). 2014.
Maclaine Watson and Co Ltd v International Tin Council [1988] Ch.1.
Marc Rich & Co AG v Societa Italiana Impianti PA (No 2) [1992] 1 Lloyd's Rep 624 (CA).
Masri v Consolidated Contractors International UK Ltd and others (No 2) [2008] EWCA Civ
303.
Metropolitan Housing Trust Ltd v Taylor [2015] EWHC 2897 (Ch).
Owens Bank Ltd v Etoile Commerciale SA [1995] 1 WLR 44, PC.
Phillips v Symes (No.3) [2008] 1 WLR 180 (HL).
Re Tankard [1941] 3 All ER 458.
Shiblaq v Sadikoglu (No.2) [2004] EWHC 1890 (Comm).
Standard Chartered Bank v Ceylon Petroleum Corp [2011] EWHC 2094 (Comm).
Sunrise Brokers LLP v Rodgers [2014] EWHC 2633 (QB).
The Indian Grace (No.2) [1996] 2 Lloyd's Rep 12, CA.



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UCB Home Loans Corporation Ltd v Grace [2011] EWHC 851 (Ch).

Vogel v R & A Kohnstamm Ltd [1973] QB 133.

Yukos Capital Sarl v OJSC Rosneft Oil Co [2012] EWCA Civ 855.

Estonia

Judgement of the Supreme Court of 26 May 2014 in case No 3-2-1-44-14, p 10.

Judgement of the Supreme Court of 12 March 2014 in case No 3-2-1-1-14, p 17.

Judgement of the Supreme Court of 17 June 2009 in case No 3-2-1-64-09, p 9.

France

Cass. 1ère Civ., 28 sept. 2016, n°14-29.776.

Cass. 2ème Civ. 25 juin 2015, n°14-18270.

Cass. civ. 1re, 19 sept. 2007, Pêcherie du Port.

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Cour de Cassation, no. 201, 140. 14 May 1996.

Germany

German Supreme Court decision of 4 March 1993 IX ZB 55/92, WM 22/1993.

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German Supreme Court judgment of 6 November 1985 – IVb ZR 73/84, NJW 1986, 1440.

Greece

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Court of Appeal of Athens 143/1971 Harmenopoulos 1971, p. 533.

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Italy

Italian Constitutional Court no. 190 of 28 June 1985.
Italian Constitutional Court no. 69 of 3 March 1994.
Italian Constitutional Court. No. 17 of 30 January 1986.
Italian Constitutional Court no. 238 of 22 October 2014.
Italian Court of Cassation no. 21946 of 28 October 2015.
Italian Court of Cassation no. 11185 of 15 May 2007.
Italian Court of Cassation no. 12181 of 15 September 2000.
Italian Court of Cassation no. 9554 of 12 November 1994.
Italian Court of Cassation in plenary session no. 14916 and no. 14917 of 20 July 2016.
Italian Court of Cassation in plenary session no. 23675 of 6 November 2014.
Italian Court of Cassation no. 1183 of 19 January 2007.
Italian Court of Cassation no. 1238 of 23 January 2015.
Italian Court of Cassation no. 14594 of 15 July 2016.
Italian Court of Cassation no. 1719 of 3 March 1999.
Italian Court of Cassation no. 1781 of 8 February 2012.
Italian Court of Cassation no. 2082 of 26 February 1998.
Italian Court of Cassation no. 24637 of 19 November 2014.
Italian Court of Cassation no. 2473 of 30 January 2009.
Italian Court of Cassation no. 3643 of 14 February 2013.
Italian Court of Cassation no. 4059 of 22 February 2010.
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Italian Court of Cassation no. 5451 of 18 May 1995.
Italian Court of Cassation no. 5827 of 5 November 1981.
Italian Court of Cassation no. 586 of 22 January 1999.
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Italian Court of Cassation no. 8408 of 12 April 2011.
Italian Court of Cassation no. 8576 of 9 April 2013.
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Italian Court of Cassation no. 8764 of 30 May 2003.



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Lithuania

Ruling of the Court of Appeal of Lithuania of 20 November 2014 made in the civil case No. 2-1857/2014.

Ruling of the Court of Appeal of Lithuania of 28 January 2015 made in the civil case No. 2-90-241/2015.

Ruling of the Court of Appeal of Lithuania of 14 January 2016 made in the civil case No. 2-25-407/2016.

Ruling of the Court of Appeal of Lithuania of 12 May 2016 made in the civil case No. 2-1021-241/2016.

(the) Netherlands

Hoge Raad, 12 January 2011, ECLI:NL:HR:2001:AA9441.

Hoge Raad, 23 June 2017, ECLI:NL:HR:2017:1139.

Hoge Raad, 19 March 2010, ECLI:NL:HR:2010:BL1116.

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Hoge Raad, 6 October 2017, ECLI:NL:HR:2017:2568.

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Hoge Raad, 22 April 1983, ECLI:NL:HR:1983:AG4575.

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Hoge Raad, 24 November 1995, ECLI:NL:HR:1995:ZC1894.

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Hoge Raad, 11 October 1996, ECLI:NL:HR:1996:ZC2170.

Hoge Raad, 20 September 1991, ECLI:NL:HR:1991:ZC0338.

Rechtbank Arnhem, 31 October 2012, ECLI:NL:RBARN:2012:BY4312.

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Poland

Trybunał Konstytucyjny, 23 June 2015.

Portugal

Court decision no. 6458/04.1TVLSB.S1.

Judgment STJ 09.07.2015, proc. 134/14.4TBCBBC.G.SI.

Romania

Romanian Constitutional Court. No. 895. 17 December 2015. Official Gazette no. 84/2016 - M. Of. 84/4 February 2016



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Slovenia

VSRS Sklep Cp 8/2003 (02.12.2004)
VSL sklep III Cpg 104/2005 (05.05.2005)
VSRS Sklep Cp 10/2005 (12.10.2005)
VSL sklep III Cp 1142/2006 (15.03.2006)
VSC sklep Cpg 147/2006 (15.03.2006)
VSL sklep III Cp 6063/2005 (12.04.2006)
VSRS Sklep Cpg 4/2006 (13.06.2006)
VSRS sklep Cpg 2/2006 (20.02.2007)
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VSK sklep Cp 1000/2007 (13.02.2008)
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VSRS Sklep Cp 22/2008 (15.01.2009)
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VSRS Sklep Cp 7/2010 (31.01.2011)
VSRS sklep Cp 5/2011 in Cp 6/2011 (07.04.2011)
VSL sklep II Ip 323/2011 (13.05.2011)
VSRS Sklep Cp 10/2011 (16.06.2011)
VSL sodba I Cp 614/2012 (05.12.2012)
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VSC sodba Cpg 355/2014 (04.03.2015)
VSRS sklep Cpg 4/2015 (29.09.2015)
VSL sklep II Ip 3702/2015 (25.11.2015)
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VSRS sklep Cp 2/2016 (07.04.2016)
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VSL sodba I Cpg 547/2016 (13.09.2016)
VSL sklep V Cpg 1060/2016 (28.09.2016)
VSM sklep I Cp 960/2016 (14.11.2016)
VSRS sodba in sklep II Ips 7/2012 (19.12.2016)
VSM sklep I Cp 1270/2016 (20.12.2016)
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VSM sklep I Cp 165/2017 (14.03.2017)
VSK sklep Cpg 6/2017 (15.03.2017)
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VSL Sklep I Cp 1927/2017 (15.11.2017)
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VSL Sklep I Ip 3664/2017 (10.01.2018)
VSM Sklep I Cpg 10/2018 (18.01.2018)
VSL Sklep I Cpg 102/2018 (06.03.2018)
VSL Sodba II Cp 2226/2017 (21.03.2018)
VSRS Sklep Cpg 3/2018 (10.04.2018)
VSRS Sklep III Ips 5/2017 (22.05.2018)
VSRS Sklep Cp 19/2018 (19.07.2018)
VSL Sklep I Cp 1188/2018 (22.08.2018)
VSM Sklep I Cp 743/2018 (26.09.2018)

Spain

Tribunal Supremo, 13 November 2001, ECLI:ES:TS:2001:1803A

Sweden

NJA (Nytt juridiskt arkiv, avd. I och II) = Periodical writing, reporting cases from the Supreme Court.
RH (Rättsfall från hovrätterna) = Case law from the Courts of Appeal.



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Göta Court of Appeal's decision 13 April 1993, case no. Ö 353/93.

Hovrätten över Skåne och Blekinge's case Ö 1103/90 12 November 1990.

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NJA 1963 s. 192.

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NJA 1981 s. 386.

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NJA 1982 C 104.

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NJA 1983 s. 410.

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NJA 1983 s. 862.

NJA 1984 s. 602.

NJA 1985 C 82.

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NJA 1986 s. 119.

NJA 1986 s. 426.

NJA 1986 s. 539.

NJA 1987 s. 457.

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NJA 1990 s. 208.

NJA 1991 s. 188.

NJA 1994 s. 654.

NJA 1995 s. 601.

NJA 1996 s. 809.

NJA 1998 s. 361.

NJA 1998 s. 750.

NJA 1999 s. 113.

NJA 1999 s. 376.

NJA 1999 s. 622.

NJA 2000 s. 575.

NJA 2001 s. 800.

NJA 2002 s. 673.

NJA 2005 s. 29.

NJA 2006 s. 588.

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NJA 2007 s. 157.

NJA 2008 s. 890.

NJA 2011 s. 849.

NJA 2013 s. 364.

NJA 2014 s. 29.

NJA 2014 s. 578.

RH 1982:111.

RH 1990:126.

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RH 1999:7.

RH 1999:93.

RH 2005:44.

RH 2006:51.

RH 2012:82.

RH 2013:35.

Supreme Court decision, 23 June 2015, HD case No Ö 904-15.

Svea Court of Appeal decision 6 June 1979, case no. Ö 686-79.

Svea Court of Appeal's case ÖÄ 9930-1211 March 2013.