



# From Brussels to Lugano – A Panoramic Table

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**This table puts into perspective five related instruments:  
the Brussels Convention, the Brussels I Regulation, the Recast Brussels I Regulation, and the Lugano Conventions of 1988 and 2007.**

This unofficial compilation is conducted under the auspices of Lynxlex by the following persons, who can be contacted for comments:

Marie-Elodie Ancel: [melancel@lynxlex.com](mailto:melancel@lynxlex.com)

Benoit Fournier: [bfournier@lynxlex.com](mailto:bfournier@lynxlex.com)

François Mailhé: [fmailhe@lynxlex.com](mailto:fmailhe@lynxlex.com)

Keys:

[Article X] = Corresponding article in another text when differently numbered.

= New provision, in substance, of the Recast Regulation

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In particular, since the annexes of the regulations and the 2007 Lugano Convention have been subject to relatively frequent modifications, verification of the latest texts (published in the Official Journal of the European Union) is recommended.

## **ACKNOWLEDGMENTS**

**Lynxlex warmly thanks Ms Claire Delannoy and Ms Shiva Ameli for their help in preparing the Panoramic Table in English.**

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<b><u>Brussels Convention Consolidated version (1998)</u></b>	<b><u>Brussels I Regulation Consolidated Version (2013)</u></b>	<b><u>Recast Brussels I Regulation Official Journal</u></b>	<b><u>1988 Lugano Convention Official Journal</u></b>	<b><u>2007 Lugano Convention Official Journal</u></b>
<b>TITLE I SCOPE</b>	<b>CHAPTER I SCOPE</b>	<b>CHAPTER I SCOPE AND DEFINITIONS</b>	<b>TITLE I: SCOPE</b>	
<p><b>Article 1</b> This Convention shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters <sup>(1)</sup>.</p> <p>The Convention shall not apply to:</p> <ol style="list-style-type: none"> <li>1) the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession;</li> <li>2) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;</li> <li>3) social security;</li> <li>4) arbitration.</li> </ol> <p><b>[Cf Article 5.2]</b></p>	<p><b>Article 1</b></p> <ol style="list-style-type: none"> <li>1. This Regulation shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters.</li> <li>2. The Regulation shall not apply to: <ol style="list-style-type: none"> <li>a) the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession;</li> <li>b) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;</li> <li>c) social security;</li> <li>d) arbitration.</li> </ol> </li> </ol> <p><b>[Cf Article 5.2]</b></p> <ol style="list-style-type: none"> <li>3. In this Regulation, the term Member State' shall mean Member States with the exception of Denmark.</li> </ol>	<p><b>Article 1</b></p> <ol style="list-style-type: none"> <li>1. This Regulation shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).</li> <li>2. This Regulation shall not apply to: <ol style="list-style-type: none"> <li>a) the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship or out of a relationship deemed by the law applicable to such relationship to have comparable effects to marriage;</li> <li>b) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;</li> <li>c) social security;</li> <li>d) arbitration;</li> <li>e) maintenance obligations arising from a family relationship, parentage, marriage or affinity;</li> <li>f) wills and succession, including maintenance obligations arising by reason of death.</li> </ol> </li> </ol>	<p><b>Article 1</b> This Convention shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters.</p> <p>The Convention shall not apply to:</p> <ol style="list-style-type: none"> <li>1. the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession;</li> <li>2. bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;</li> <li>3. social security;</li> <li>4. arbitration.</li> </ol> <p><b>[Cf Article 5.2]</b></p>	<p><b>Article 1</b></p> <ol style="list-style-type: none"> <li>1. This Convention shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters.</li> <li>2. The Convention shall not apply to: <ol style="list-style-type: none"> <li>a) the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession;</li> <li>b) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;</li> <li>c) social security;</li> <li>d) arbitration.</li> </ol> </li> </ol> <p><b>[Cf Article 5.2]</b></p> <ol style="list-style-type: none"> <li>3. In this Convention, the term 'State bound by this Convention' shall mean any State that is a Contracting Party to this Convention or a Member State of the European Community. It may also mean the European Community.</li> </ol>

<sup>1</sup> Second sentence added by Article 3 of the 1978 Accession Convention.

[See also Article 25 Convention and Article 32 Regulation Brussels I]

**Article 2**

For the purposes of this Regulation:

a) 'judgment' means any judgment given by a court or tribunal of a Member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as a decision on the determination of costs or expenses by an officer of the court.

For the purposes of Chapter III, 'judgment' includes provisional, including protective, measures ordered by a court or tribunal which by virtue of this Regulation has jurisdiction as to the substance of the matter.

It does not include a provisional, including protective, measure which is ordered by such a court or tribunal without the defendant being summoned to appear, unless the judgment containing the measure is served on the defendant prior to enforcement;

b) 'court settlement' means a settlement which has been approved by a court of a Member State or concluded before a court of a Member State in the course of proceedings;

c) 'authentic instrument' means a document which has been formally drawn up or registered as an authentic instrument in the Member State of origin and the authenticity of which:

- i) relates to the signature and the content of the instrument; and
- ii) has been established by a public authority or other authority empowered for that purpose;

d) 'Member State of origin' means the Member State in which, as the case may be, the judgment has been given, the court settlement has been approved or concluded, or the authentic instrument has been formally drawn up or registered;

e) 'Member State addressed' means the Member State in which the recognition of the judgment is invoked or in which the enforcement of the judgment, the court settlement or the authentic instrument is sought;

f) 'court of origin' means the court which has given the judgment the recognition of which is invoked or the enforcement of which is sought.

[See also Articles 25 and 32 Conventions]

**Article 3**

For the purposes of this Regulation, 'court' includes the following authorities to the extent

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
[See also Article Va Protocole]	[See also Article 62]	that they have jurisdiction in matters falling within the scope of this Regulation: a) in Hungary, in summary proceedings concerning orders to pay ( <i>fizetési meghagyásos eljárás</i> ), the notary ( <i>közjegyző</i> ); b) in Sweden, in summary proceedings concerning orders to pay ( <i>betalningsföreläggande</i> ) and assistance ( <i>handräckning</i> ), the Enforcement Authority ( <i>Kronofogdemyndigheten</i> ).		
<b>TITLE II JURISDICTION Section 1 General provisions</b>	<b>CHAPTER II JURISDICTION SECTION 1 General provisions</b>		<b>TITLE II: JURISDICTION Section 1: General provisions</b>	
<b>Article 2</b> Subject to the provisions of this Convention, person domiciled in a Contracting State shall, whatever their nationality, be sued in the courts of that State.  Persons who are not nationals of the State in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that State.	<b>Article 2</b> 1. Subject to this Regulation, persons domiciled in a Member State shall, whatever their nationality, be sued in the courts of that Member State.  2. Persons who are not nationals of the Member State in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that State.	<b>Article 4</b> 1. Subject to this Regulation, persons domiciled in a Member State shall, whatever their nationality, be sued in the courts of that Member State.  2. Persons who are not nationals of the Member State in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that Member State.	<b>Article 2</b> 1. Subject to the provisions of this Convention, persons domiciled in a Contracting State shall, whatever their nationality, be sued in the courts of that State.  2. Persons who are not nationals of the State in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that State.	<b>Article 2</b> 1. Subject to the provisions of this Convention, persons domiciled in a State bound by this Convention shall, whatever their nationality, be sued in the courts of that State.  2. Persons who are not nationals of the State bound by this Convention in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that State.
<b>Article 3</b> Persons domiciled in a Contracting State may be sued in the courts of another Contracting State only by virtue of the rules set out in Sections 2 to 6 of this Title.  In particular the following provisions shall not be applicable as against them: — [...]²	<b>Article 3</b> 1. Persons domiciled in a Member State may be sued in the courts of another Member State only by virtue of the rules set out in Sections 2 to 7 of this Chapter.  2. In particular the rules of national jurisdiction set out in Annex I shall not be applicable as against them.	<b>Article 5</b> 1. Persons domiciled in a Member State may be sued in the courts of another Member State only by virtue of the rules set out in Sections 2 to 7 of this Chapter.  2. In particular, the rules of national jurisdiction of which the Member States are to notify the Commission pursuant to point (a) of Article 76(1) shall not be applicable as against the persons referred to in paragraph 1.	<b>Article 3</b> Persons domiciled in a Contracting State may be sued in the courts of another Contracting State only by virtue of the rules set out in Sections 2 to 6 of this Title.  In particular the following provisions shall not be applicable as against them: — [...]³	<b>Article 3</b> 1. Persons domiciled in a State bound by this Convention may be sued in the courts of another State bound by this Convention only by virtue of the rules set out in Sections 2 to 7 of this Title.  2. In particular the rules of national jurisdiction set out in Annex I shall not be applicable as against them.
<b>Article 4</b> If the defendant is not domiciled in a Contracting State, the jurisdiction of the courts of each Contracting State shall, subject to the provisions of Article 16, be determined by the law of that State.  As against such a defendant, any person	<b>Article 4</b> 1. If the defendant is not domiciled in a Member State, the jurisdiction of the courts of each Member State shall, subject to Articles 22 and 23, be determined by the law of that Member State.  2. As against such a defendant, any person	<b>Article 6</b> 1. If the defendant is not domiciled in a Member State, the jurisdiction of the courts of each Member State shall, subject to Article 18(1), Article 21(2) and Articles 24 and 25, be determined by the law of that Member State.  2. As against such a defendant, any person	<b>Article 4</b> If the defendant is not domiciled in a Contracting State, the jurisdiction of the courts of each Contracting State shall, subject to the provisions of Article 16, be determined by the law of that State.  As against such a defendant, any person	<b>Article 4</b> 1. If the defendant is not domiciled in a State bound by this Convention, the jurisdiction of the courts of each State bound by this Convention shall, subject to the provisions of Articles 22 and 23, be determined by the law of that State.  2. As against such a defendant, any

<sup>2</sup> See [list](#) under Article 3.

<sup>3</sup> See [list](#) under Article 3.

<p>domiciled in a Contracting State may, whatever his nationality, avail himself in that State of the rules of jurisdiction there in force, and in particular those specified in the second paragraph of Article 3, in the same way as the nationals of that State.</p>	<p>domiciled in a Member State may, whatever his nationality, avail himself in that State of the rules of jurisdiction there in force, and in particular those specified in Annex I, in the same way as the nationals of that State.</p>	<p>domiciled in a Member State may, whatever his nationality, avail himself in that Member State of the rules of jurisdiction there in force, and in particular those of which the Member States are to notify the Commission pursuant to point (a) of Article 76(1), in the same way as nationals of that Member State.</p>	<p>domiciled in a Contracting State may, whatever his nationality, avail himself in that State of the rules of jurisdiction there in force, and in particular those specified in the second paragraph of Article 3, in the same way as the nationals of that State.</p>	<p>person domiciled in a State bound by this Convention may, whatever his nationality, avail himself in that State of the rules of jurisdiction there in force, and in particular those specified in Annex I, in the same way as the nationals of that State.</p>
<p><b>Section 2 Special jurisdiction</b></p>	<p><b>SECTION 2 Special jurisdiction</b></p>		<p><b>Section 2: Special jurisdiction</b></p>	
<p><b>Article 5</b> A person domiciled in a Contracting State may, in another Contracting State, be sued:</p> <p>1) in matters relating to a contract, in the courts for the place of performance of the obligation in question;</p> <p>in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one country, the employer may also be sued in the courts for the place where the business which engaged the employee was or is now situated <sup>(4)</sup>;</p> <p>2) in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties <sup>(5)</sup>;</p>	<p><b>Article 5</b> A person domiciled in a Member State may, in another Member State, be sued:</p> <p>1) a) in matters relating to a contract, in the courts for the place of performance of the obligation in question; b) for the purpose of this provision and unless otherwise agreed, the place of performance of the obligation in question shall be: — in the case of the sale of goods, the place in a Member State where, under the contract, the goods were delivered or should have been delivered, — in the case of the provision of services, the place in a Member State where, under the contract, the services were provided or should have been provided, c) if subparagraph (b) does not apply then subparagraph (a) applies;</p> <p>2) in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties;</p>	<p><b>Article 7</b> A person domiciled in a Member State may be sued in another Member State:</p> <p>1) a) in matters relating to a contract, in the courts for the place of performance of the obligation in question; b) for the purpose of this provision and unless otherwise agreed, the place of performance of the obligation in question shall be: — in the case of the sale of goods, the place in a Member State where, under the contract, the goods were delivered or should have been delivered, — in the case of the provision of services, the place in a Member State where, under the contract, the services were provided or should have been provided; c) if point (b) does not apply then point (a) applies;</p> <p><b>[Cf Article 1.2 e) Regulation Brussels I bis :</b> 2. This Regulation shall not apply to: e) maintenance obligations arising from a family relationship, parentage, marriage or affinity]</p>	<p><b>Article 5</b> A person domiciled in a Contracting State may, in another Contracting State, be sued:</p> <p>1. in matters relating to a contract, in the courts for the place of performance of the obligation in question;</p> <p>in matters relating to individual contracts of employment, this place is that where the employee habitually carries out his work, or if the employee does not habitually carry out his work in any one country, this place shall be the place of business through which he was engaged;</p> <p>2. in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties;</p>	<p><b>Article 5</b> A person domiciled in a State bound by this Convention may, in another State bound by this Convention, be sued:</p> <p>1. a) in matters relating to a contract, in the courts for the place of performance of the obligation in question; b) for the purpose of this provision and unless otherwise agreed, the place of performance of the obligation in question shall be: - in the case of the sale of goods, the place in a State bound by this Convention where, under the contract, the goods were delivered or should have been delivered, - in the case of the provision of services, the place in a State bound by this Convention where, under the contract, the services were provided or should have been provided; c) if (b) does not apply then subparagraph (a) applies;</p> <p>2. in matters relating to maintenance, a) in the courts for the place where the maintenance creditor is domiciled or habitually resident; or b) in the court which, according to its own law, has jurisdiction to entertain proceedings concerning the status of a person if the matter relating to maintenance is ancillary to those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties; or c) in the court which, according to its own law, has jurisdiction to entertain</p>

<sup>4</sup> Point 1 as amended by Article 4 of the 1989 Accession Convention.

<sup>5</sup> Point 2 as amended by Article 5 (3) of the 1978 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>3) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred;</p> <p>4) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;</p> <p>5) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;</p> <p>6) as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Contracting State in which the trust is domiciled <sup>(6)</sup>;</p> <p>7) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:</p> <p>a) has been arrested to secure such payment, or b) could have been so arrested, but bail</p>	<p>3) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur;</p> <p>4) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;</p> <p>5) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;</p> <p>6) as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Member State in which the trust is domiciled;</p> <p>7) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:</p> <p>a) has been arrested to secure such payment, or b) could have been so arrested, but bail or</p>	<p>2) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur;</p> <p>3) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;</p> <p>4) as regards a civil claim for the recovery, based on ownership, of a cultural object as defined in point 1 of Article 1 of Directive 93/7/EEC initiated by the person claiming the right to recover such an object, in the courts for the place where the cultural object is situated at the time when the court is seised;</p> <p>5) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place where the branch, agency or other establishment is situated;</p> <p>6) as regards a dispute brought against a settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Member State in which the trust is domiciled;</p> <p>7) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:</p> <p>a) has been arrested to secure such payment; or b) could have been so arrested, but</p>	<p>3) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred;</p> <p>4) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;</p> <p>5) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;</p> <p>6) in his capacity as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Contracting State in which the trust is domiciled;</p> <p>7) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:</p> <p>a) has been arrested to secure such payment, or b) could have been so arrested, but bail</p>	<p>proceedings concerning parental responsibility, if the matter relating to maintenance is ancillary to those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties;</p> <p>3) in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful event occurred or may occur;</p> <p>4) as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;</p> <p>5) as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;</p> <p>6) as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the State bound by this Convention in which the trust is domiciled;</p> <p>7) as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:</p> <p>a) as been arrested to secure such payment; or b) could have been so arrested, but bail</p>

<sup>6</sup> Point 6 added by Article 5 (4) of the 1978 Accession Convention.

<p>or other security has been given; provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage <sup>(7)</sup>.</p>	<p>other security has been given; provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage.</p>	<p>bail or other security has been given; provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage.</p>	<p>or other security has been given, provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage</p>	<p>or other security has been given; provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage.</p>
<p><b>Article 6</b> A person domiciled in a Contracting State may also be sued:</p> <ol style="list-style-type: none"> <li>1) where he is one of a number of defendants, in the courts for the place where any one of them is domiciled;</li> <li>2) as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;</li> <li>3) on a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;</li> <li>4) in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the Contracting State in which the property is situated <sup>(8)</sup>.</li> </ol>	<p><b>Article 6</b> A person domiciled in a Member State may also be sued:</p> <ol style="list-style-type: none"> <li>1) where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings;</li> <li>2) as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;</li> <li>3) on a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;</li> <li>4) in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the Member State in which the property is situated.</li> </ol>	<p><b>Article 8</b> A person domiciled in a Member State may also be sued:</p> <ol style="list-style-type: none"> <li>1) where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings;</li> <li>2) as a third party in an action on a warranty or guarantee or in any other third-party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;</li> <li>3) on a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;</li> <li>4) in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the Member State in which the property is situated.</li> </ol>	<p><b>Article 6</b> A person domiciled in a Contracting State may also be sued:</p> <ol style="list-style-type: none"> <li>1. where he is one of a number of defendants, in the courts for the place where any one of them is domiciled;</li> <li>2. as a third party in an action on a warranty or guarantee or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;</li> <li>3. on a counterclaim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;</li> <li>4. in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the Contracting State in which the property is situated.</li> </ol>	<p><b>Article 6</b> A person domiciled in a State bound by this Convention may also be sued:</p> <ol style="list-style-type: none"> <li>1. where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings;</li> <li>2. as a third party in an action on a warranty or guarantee, or in any other third party proceedings, in the court seised of the original proceedings, unless these were instituted solely with the object of removing him from the jurisdiction of the court which would be competent in his case;</li> <li>3. on a counter-claim arising from the same contract or facts on which the original claim was based, in the court in which the original claim is pending;</li> <li>4. in matters relating to a contract, if the action may be combined with an action against the same defendant in matters relating to rights in rem in immovable property, in the court of the State bound by this Convention in which the property is situated.</li> </ol>
<p><b>Article 6a <sup>(9)</sup></b> Where by virtue of this Convention a court of a Contracting State has jurisdiction in actions relating to liability from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that State, shall also have jurisdiction over claims for limitation of such liability.</p>	<p><b>Article 7</b> Where by virtue of this Regulation a court of a Member State has jurisdiction in actions relating to liability from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that Member State, shall also have jurisdiction over claims for limitation of such liability.</p>	<p><b>Article 9</b> Where by virtue of this Regulation a court of a Member State has jurisdiction in actions relating to liability from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that Member State, shall also have jurisdiction over claims for limitation of such liability.</p>	<p><b>Article 6A</b> Where by virtue of this Convention a court of a Contracting State has jurisdiction in actions relating to liability arising from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that State, shall also have jurisdiction over claims for limitation of such liability.</p>	<p><b>Article 7</b> Where by virtue of this Convention a court of a State bound by this Convention has jurisdiction in actions relating to liability from the use or operation of a ship, that court, or any other court substituted for this purpose by the internal law of that State, shall also have jurisdiction over claims for limitation of such liability.</p>

<sup>7</sup> Point 7 added by Article 5 (4) of the 1978 Accession Convention.

<sup>8</sup> Point 4 added by Article 5 of the 1989 Accession Convention.

<sup>9</sup> Article added by Article 6 of the 1978 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
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<b>SECTION 3</b> <b>Jurisdiction in matters relating to insurance</b>			<b>Section 3:</b> <b>Jurisdiction in matters relating to insurance</b>	
<b>Article 7</b> In matters relating to insurance, jurisdiction shall be determined by this Section, without prejudice to the provisions of Articles 4 and 5 point 5.	<b>Article 8</b> In matters relating to insurance, jurisdiction shall be determined by this Section, without prejudice to Article 4 and point 5 of Article 5.	<b>Article 10</b> In matters relating to insurance, jurisdiction shall be determined by this Section, without prejudice to Article 6 and point 5 of Article 7.	<b>Article 7</b> In matters relating to insurance, jurisdiction shall be determined by this Section, without prejudice to the provisions of Articles 4 and 5(5).	<b>Article 8</b> In matters relating to insurance, jurisdiction shall be determined by this Section, without prejudice to Articles 4 and 5(5).
<b>Article 8<sup>(10)</sup></b> An insurer domiciled in a Contracting State may be sued:  1. in the courts of the State where he is domiciled, or  2. in another Contracting State, in the courts for the place where the policyholder is domiciled, or  3. if he is a co-insurer, in the courts of a Contracting State in which proceedings are brought against the leading insurer.  An insurer who is not domiciled in a Contracting State but has a branch, agency or other establishment in one of the Contracting States shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.	<b>Article 9</b> 1. An insurer domiciled in a Member State may be sued:  a) in the courts of the Member State where he is domiciled, or  b) in another Member State, in the case of actions brought by the policyholder, the insured or a beneficiary, in the courts for the place where the plaintiff is domiciled,  c) if he is a co-insurer, in the courts of a Member State in which proceedings are brought against the leading insurer.  2. An insurer who is not domiciled in a Member State but has a branch, agency or other establishment in one of the Member States shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that Member State.	<b>Article 11</b> 1. An insurer domiciled in a Member State may be sued:  a) in the courts of the Member State in which he is domiciled;  b) in another Member State, in the case of actions brought by the policyholder, the insured or a beneficiary, in the courts for the place where the claimant is domiciled; or  c) if he is a co-insurer, in the courts of a Member State in which proceedings are brought against the leading insurer.  2. An insurer who is not domiciled in a Member State but has a branch, agency or other establishment in one of the Member States shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that Member State.	<b>Article 8</b> An insurer domiciled in a Contracting State may be sued:  1. in the courts of the State where he is domiciled; or  2. in another Contracting State, in the courts for the place where the policyholder is domiciled; or  3. if he is a co-insurer, in the courts of a Contracting State in which proceedings are brought against the leading insurer.  An insurer who is not domiciled in a Contracting State but has a branch, agency or other establishment in one of the Contracting States shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.	<b>Article 9</b> 1. An insurer domiciled in a State bound by this Convention may be sued:  a) in the courts of the State where he is domiciled; or  b) in another State bound by this Convention, in the case of actions brought by the policyholder, the insured or a beneficiary, in the courts for the place where the plaintiff is domiciled; or  c) if he is a co-insurer, in the courts of a State bound by this Convention in which proceedings are brought against the leading insurer.  2. An insurer who is not domiciled in a State bound by this Convention but has a branch, agency or other establishment in one of the States bound by this Convention shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.
<b>Article 9</b> In respect of liability insurance or insurance of immovable property, the insurer may in addition be sued in the courts for the place where the harmful event occurred. The same applies if movable and immovable property are covered by the same insurance policy and both are adversely affected by the same contingency.	<b>Article 10</b> In respect of liability insurance or insurance of immovable property, the insurer may in addition be sued in the courts for the place where the harmful event occurred. The same applies if movable and immovable property are covered by the same insurance policy and both are adversely affected by the same contingency.	<b>Article 12</b> In respect of liability insurance or insurance of immovable property, the insurer may in addition be sued in the courts for the place where the harmful event occurred. The same applies if movable and immovable property are covered by the same insurance policy and both are adversely affected by the same contingency.	<b>Article 9</b> In respect of liability insurance or insurance of immovable property, the insurer may in addition be sued in the courts for the place where the harmful event occurred. The same applies if movable and immovable property are covered by the same insurance policy and both are adversely affected by the same contingency.	<b>Article 10</b> In respect of liability insurance or insurance of immovable property, the insurer may in addition be sued in the courts for the place where the harmful event occurred. The same applies if movable and immovable property are covered by the same insurance policy and both are adversely affected by the same contingency.
<b>Article 10</b> In respect of liability insurance, the insurer may also, if the law of the court permits it, be joined in proceedings which the injured party	<b>Article 11</b> 1. In respect of liability insurance, the insurer may also, if the law of the court permits it, be joined in proceedings	<b>Article 13</b> 1. In respect of liability insurance, the insurer may also, if the law of the court permits it, be joined in proceedings	<b>Article 10</b> In respect of liability insurance, the insurer may also, if the law of the court permits it, be joined in proceedings which the injured	<b>Article 11</b> 1. In respect of liability insurance, the insurer may also, if the law of the court permits it, be joined in proceedings

<sup>10</sup> Text as amended by Article 7 of the 1978 Accession Convention.

<p>had brought against the insured.</p> <p>The provisions of Articles 7, 8 and 9 shall apply to actions brought by the injured party directly against the insurer, where such direct actions are permitted.</p> <p>If the law governing such direct actions provides that the policy-holder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.</p>	<p>which the injured party has brought against the insured.</p> <p>2. Articles 8, 9 and 10 shall apply to actions brought by the injured party directly against the insurer, where such direct actions are permitted.</p> <p>3. If the law governing such direct actions provides that the policyholder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.</p>	<p>which the injured party has brought against the insured.</p> <p>2. Articles 10, 11 and 12 shall apply to actions brought by the injured party directly against the insurer, where such direct actions are permitted.</p> <p>3. If the law governing such direct actions provides that the policyholder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.</p>	<p>party has brought against the insured.</p> <p>The provisions of Articles 7, 8 and 9 shall apply to actions brought by the injured party directly against the insurer, where such direct actions are permitted.</p> <p>If the law governing such direct actions provides that the policy-holder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.</p>	<p>which the injured party has brought against the insured.</p> <p>2. Articles 8, 9 and 10 shall apply to actions brought by the injured party directly against the insurer, where such direct actions are permitted.</p> <p>3. If the law governing such direct actions provides that the policyholder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.</p>
<p><b>Article 11</b></p> <p>Without prejudice to the provisions of the third paragraph of Article 10, an insurer may bring proceedings only in the courts of the Contracting State in which the defendant is domiciled, irrespective of whether he is the policy-holder, the insured or a beneficiary.</p> <p>The provisions of this Section shall not affect the right to bring a counterclaim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 12</b></p> <p>1. Without prejudice to Article 11(3), an insurer may bring proceedings only in the courts of the Member State in which the defendant is domiciled, irrespective of whether he is the policyholder, the insured or a beneficiary.</p> <p>2. The provisions of this Section shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 14</b></p> <p>1. Without prejudice to Article 13(3), an insurer may bring proceedings only in the courts of the Member State in which the defendant is domiciled, irrespective of whether he is the policyholder, the insured or a beneficiary.</p> <p>2. The provisions of this Section shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 11</b></p> <p>Without prejudice to the provisions of the third paragraph of Article 10, an insurer may bring proceedings only in the courts of the Contracting State in which the defendant is domiciled, irrespective of whether he is the policy-holder, the insured or a beneficiary.</p> <p>The provisions of this Section shall not affect the right to bring a counterclaim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 12</b></p> <p>1. Without prejudice to Article 11(3), an insurer may bring proceedings only in the courts of the State bound by this Convention in which the defendant is domiciled, irrespective of whether he is the policyholder, the insured or a beneficiary.</p> <p>2. The provisions of this Section shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>
<p><b>Article 12<sup>(1)</sup></b></p> <p>The provisions of this Section may be departed from only by an agreement on jurisdiction:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen, or</li> <li>2. which allows the policy-holder, the insured or a beneficiary to bring proceedings in courts other than those indicated in this Section, or</li> <li>3. which is concluded between a policy-holder and an insurer, both of whom are domiciled in the same Contracting State, and which has the effect of conferring jurisdiction on the courts of that State even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State, or</li> </ol>	<p><b>Article 13</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1) which is entered into after the dispute has arisen, or</li> <li>2) which allows the policyholder, the insured or a beneficiary to bring proceedings in courts other than those indicated in this Section, or</li> <li>3) which is concluded between a policyholder and an insurer, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Member State, and which has the effect of conferring jurisdiction on the courts of that State even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State, or</li> </ol>	<p><b>Article 15</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1) which is entered into after the dispute has arisen;</li> <li>2) which allows the policyholder, the insured or a beneficiary to bring proceedings in courts other than those indicated in this Section;</li> <li>3) which is concluded between a policyholder and an insurer, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Member State, and which has the effect of conferring jurisdiction on the courts of that Member State even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that Member State;</li> </ol>	<p><b>Article 12</b></p> <p>The provisions of this Section may be departed from only by an agreement on jurisdiction:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> <li>2. which allows the policy-holder, the insured or a beneficiary to bring proceedings in courts other than those indicated in this Section; or</li> <li>3. which is concluded between a policy-holder and an insurer, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Contracting State, and which has the effect of conferring jurisdiction on the courts of that State even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of the State; or</li> </ol>	<p><b>Article 13</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> <li>2. which allows the policyholder, the insured or a beneficiary to bring proceedings in courts other than those indicated in this Section; or</li> <li>3. which is concluded between a policyholder and an insurer, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same State bound by this Convention, and which has the effect of conferring jurisdiction on the courts of that State even if the harmful event were to occur abroad, provided that such an agreement is not contrary to the law of that State; or</li> </ol>

<sup>11</sup> Text as amended by Article 8 of the 1978 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>4. which is concluded with a policy-holder who is not domiciled in a Contracting State, except in so far as the insurance is compulsory or relates to immovable property in a Contracting State, or</p> <p>5. which relates to a contract of insurance in so far as it covers one or more of the risks set out in Article 12a.</p>	<p>4) which is concluded with a policyholder who is not domiciled in a Member State, except in so far as the insurance is compulsory or relates to immovable property in a Member State, or</p> <p>5) which relates to a contract of insurance in so far as it covers one or more of the risks set out in Article 14.</p>	<p>4) which is concluded with a policyholder who is not domiciled in a Member State, except in so far as the insurance is compulsory or relates to immovable property in a Member State; or</p> <p>5) which relates to a contract of insurance in so far as it covers one or more of the risks set out in Article 16.</p>	<p>4. which is concluded with a policy-holder who is not domiciled in a Contracting State, except in so far as the insurance is compulsory or relates to immovable property in a Contracting State; or</p> <p>5. which relates to a contract of insurance in so far as it covers one or more of the risks set out in Article 12A.</p>	<p>4. which is concluded with a policyholder who is not domiciled in a State bound by this Convention, except insofar as the insurance is compulsory or relates to immovable property in a State bound by this Convention; or</p> <p>5. which relates to a contract of insurance insofar as it covers one or more of the risks set out in Article 14.</p>
<p><b>Article 12a</b> <sup>(12)</sup> The following are the risks referred to in point 5 of Article 12:</p> <p>1. any loss of or damage to:</p> <p>a) sea-going ships, installations situated offshore or on the high seas, or aircraft, arising from perils which relate to their use for commercial purposes;</p> <p>b) goods in transit other than passengers' baggage where the transit consists of or includes carriage by such ships or aircraft;</p> <p>2. any liability, other than for bodily injury to passengers or loss of or damage to their baggage:</p> <p>a) arising out of the use or operation of ships, installations or aircraft as referred to in point 1 (a) above in so far as the law of the Contracting State in which such aircraft are registered does not prohibit agreements on jurisdiction regarding insurance of such risks;</p> <p>b) for loss or damage caused by goods in transit as described in point 1 (b) above;</p> <p>3. any financial loss connected with the use or operation of ships, installations or aircraft as referred to in point 1 (a) above, in particular loss of freight or charter-hire;</p> <p>4. any risk or interest connected with any of those referred to in points 1 to 3 above.</p>	<p><b>Article 14</b> The following are the risks referred to in Article 13(5):</p> <p>1) any loss of or damage to:</p> <p>a) seagoing ships, installations situated offshore or on the high seas, or aircraft, arising from perils which relate to their use for commercial purposes;</p> <p>b) goods in transit other than passengers' baggage where the transit consists of or includes carriage by such ships or aircraft;</p> <p>2) any liability, other than for bodily injury to passengers or loss of or damage to their baggage:</p> <p>a) arising out of the use or operation of ships, installations or aircraft as referred to in point 1(a) in so far as, in respect of the latter, the law of the Member State in which such aircraft are registered does not prohibit agreements on jurisdiction regarding insurance of such risks;</p> <p>b) for loss or damage caused by goods in transit as described in point 1(b);</p> <p>3) any financial loss connected with the use or operation of ships, installations or aircraft as referred to in point 1(a), in particular loss of freight or charter-hire;</p> <p>4) any risk or interest connected with any of those referred to in points 1 to 3;</p>	<p><b>Article 16</b> The following are the risks referred to in point 5 of Article 15:</p> <p>1) any loss of or damage to:</p> <p>a) seagoing ships, installations situated offshore or on the high seas, or aircraft, arising from perils which relate to their use for commercial purposes,</p> <p>b) goods in transit other than passengers' baggage where the transit consists of or includes carriage by such ships or aircraft;</p> <p>2) any liability, other than for bodily injury to passengers or loss of or damage to their baggage,</p> <p>a) arising out of the use or operation of ships, installations or aircraft as referred to in point 1(a) in so far as, in respect of the latter, the law of the Member State in which such aircraft are registered does not prohibit agreements on jurisdiction regarding insurance of such risks;</p> <p>b) for loss or damage caused by goods in transit as described in point 1(b);</p> <p>3) any financial loss connected with the use or operation of ships, installations or aircraft as referred to in point 1(a), in particular loss of freight or charter-hire;</p> <p>4) any risk or interest connected with any of those referred to in points 1 to 3;</p>	<p><b>Article 12A</b> The following are the risks referred to in Article 12 (5):</p> <p>1. any loss of or damage to:</p> <p>a) sea-going ships, installations situated off shore or on the high seas, or aircraft, arising from perils which relate to their use for commercial purposes;</p> <p>b) goods in transit other than passengers' baggage where the transit consists of or includes carriage by such ships or aircraft;</p> <p>2. any liability, other than for bodily injury to passengers or loss of or damage to their baggage,</p> <p>a) arising out of the use or operation of ships, installations or aircraft as referred to in (1) (a) above in so far as the law of the Contracting State in which such aircraft are registered does not prohibit agreements on jurisdiction regarding insurance of such risks;</p> <p>b) for loss or damage caused by goods in transit as described in (1) (b) above;</p> <p>3. any financial loss connected with the use or operation of ships, installations or aircraft as referred to in (1) (a) above, in particular loss of freight or charter-hire;</p> <p>4. any risk or interest connected with any of those referred to in (1) to (3) above.</p>	<p><b>Article 14</b> The following are the risks referred to in Article 13(5):</p> <p>1. any loss of or damage to:</p> <p>a) seagoing ships, installations situated offshore or on the high seas, or aircraft, arising from perils which relate to their use for commercial purposes;</p> <p>b) goods in transit, other than passengers' baggage, where the transit consists of or includes carriage by such ships or aircraft;</p> <p>2. any liability, other than for bodily injury to passengers or loss of or damage to their baggage:</p> <p>a) arising out of the use or operation of ships, installations or aircraft as referred to in point 1(a) insofar as, in respect of the latter, the law of the State bound by this Convention in which such aircraft are registered does not prohibit agreements on jurisdiction regarding insurance of such risks;</p> <p>b) for loss or damage caused by goods in transit as described in point 1(b);</p> <p>3. any financial loss connected with the use or operation of ships, installations or aircraft as referred to in point 1(a), in particular loss of freight or charter-hire;</p> <p>4. any risk or interest connected with any of those referred to in points 1 to 3;</p>

<sup>12</sup> Article added by Article 9 of the 1978 Accession Convention.

	5) notwithstanding points 1 to 4, all ‘large risks’ as defined in Council Directive 73/239/EEC <sup>(13)</sup> , as amended by Council Directives 88/357/EEC <sup>(14)</sup> and 90/618/EEC <sup>(15)</sup> , as they may be amended.	5) notwithstanding points 1 to 4, all ‘large risks’ as defined in Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) <sup>(16)</sup> .		5. notwithstanding points 1 to 4, all large risks.
<b>Section 4<sup>(17)</sup> Jurisdiction over consumer contracts</b>	<b>SECTION 4 Jurisdiction over consumer contracts</b>		<b>Section 4: Jurisdiction over consumer contracts</b>	
<p><b>Article 13</b> In proceedings concerning a contract concluded by a person for a purpose which can be regarded as being outside his trade or profession, hereinafter called ‘the consumer’, jurisdiction shall be determined by this Section, without prejudice to the provisions of point 5 of Articles 4 and 5, if it is:</p> <ol style="list-style-type: none"> <li>1. a contract for the sale of goods on instalment credit terms; or</li> <li>2. a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or</li> <li>3. any other contract for the supply of goods or a contract for the supply of services, and</li> </ol> <ol style="list-style-type: none"> <li>a) in the State of the consumer’s domicile the conclusion of the contract was preceded by a specific invitation addressed to him or by advertising; and</li> <li>b) the consumer took in that State the steps necessary for the conclusion of the contract.</li> </ol> <p>Where a consumer enters into a contract with a party who is not domiciled in a Contracting State but has a branch, agency or other establishment in one of the Contracting States, that party shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.</p>	<p><b>Article 15</b> 1. In matters relating to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, jurisdiction shall be determined by this Section, without prejudice to Article 4 and point 5 of Article 5, if:</p> <ol style="list-style-type: none"> <li>a) it is a contract for the sale of goods on instalment credit terms; or</li> <li>b) it is a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or</li> <li>c) in all other cases, the contract has been concluded with a person who pursues commercial or professional activities in the Member State of the consumer’s domicile or, by any means, directs such activities to that Member State or to several States including that Member State, and the contract falls within the scope of such activities.</li> </ol> <p>2. Where a consumer enters into a contract with a party who is not domiciled in the Member State but has a branch, agency or other establishment in one of the Member States, that party shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.</p>	<p><b>Article 17</b> 1. In matters relating to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, jurisdiction shall be determined by this Section, without prejudice to Article 6 and point 5 of Article 7, if:</p> <ol style="list-style-type: none"> <li>a) it is a contract for the sale of goods on instalment credit terms;</li> <li>b) it is a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or</li> <li>c) in all other cases, the contract has been concluded with a person who pursues commercial or professional activities in the Member State of the consumer’s domicile or, by any means, directs such activities to that Member State or to several States including that Member State, and the contract falls within the scope of such activities.</li> </ol> <p>2. Where a consumer enters into a contract with a party who is not domiciled in a Member State but has a branch, agency or other establishment in one of the Member States, that party shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that Member State.</p>	<p><b>Article 13</b> In proceedings concerning a contract concluded by a person for a purpose which can be regarded as being outside his trade or profession, hereinafter called ‘the consumer’, jurisdiction shall be determined by this Section, without prejudice to the provisions of Articles 4 and 5 (5), if it is:</p> <ol style="list-style-type: none"> <li>1. a contract for the sale of goods on instalment credit terms; or</li> <li>2. a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or</li> <li>3. any other contract for the supply of goods or a contract for the supply of services, and:</li> </ol> <ol style="list-style-type: none"> <li>a) in the State of the consumer’s domicile the conclusion of the contract was preceded by a specific invitation addressed to him or by advertising, and</li> <li>b) the consumer took in that State the steps necessary for the conclusion of the contract.</li> </ol> <p>Where a consumer enters into a contract with a party who is not domiciled in a Contracting State but has a branch, agency or other establishment in one of the Contracting States, that party shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.</p>	<p><b>Article 15</b> 1. In matters relating to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, jurisdiction shall be determined by this Section, without prejudice to Articles 4 and 5(5), if:</p> <ol style="list-style-type: none"> <li>a) it is a contract for the sale of goods on instalment credit terms; or</li> <li>b) it is a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or</li> <li>c) in all other cases, the contract has been concluded with a person who pursues commercial or professional activities in the State bound by this Convention of the consumer’s domicile or, by any means, directs such activities to that State or to several States including that State, and the contract falls within the scope of such activities.</li> </ol> <p>2. Where a consumer enters into a contract with a party who is not domiciled in the State bound by this Convention but has a branch, agency or other establishment in one of the States bound by this Convention, that party shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.</p>

<sup>13</sup> OJ L 228, 16.8.1973, p. 3. Directive as last amended by Directive 2000/26/EC of the European Parliament and of the Council (OJ L 181, 20.7.2000, p. 65).

<sup>14</sup> OJ L 172, 4.7.1988, p. 1. Directive as last amended by Directive 2000/26/EC.

<sup>15</sup> OJ L 330, 29.11.1990, p. 44.

<sup>16</sup> OJ L 335, 17.12.2009, p. 1.

<sup>17</sup> Text as amended by Article 10 of the 1978 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
This Section shall not apply to contracts of transport.	3. This Section shall not apply to a contract of transport other than a contract which, for an inclusive price, provides for a combination of travel and accommodation.	3. This Section shall not apply to a contract of transport other than a contract which, for an inclusive price, provides for a combination of travel and accommodation.	This Section shall not apply to contracts of transport.	3. This section shall not apply to a contract of transport other than a contract which, for an inclusive price, provides for a combination of travel and accommodation.
<p><b>Article 14</b></p> <p>A consumer may bring proceedings against the other party to a contract either in the courts of the Contracting State in which that party is domiciled or in the courts of the Contracting State in which he is himself domiciled.</p> <p>Proceedings may be brought against a consumer by the other party to the contract only in the courts of the Contracting State in which the consumer is domiciled.</p> <p>These provisions shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 16</b></p> <p>1. A consumer may bring proceedings against the other party to a contract either in the courts of the Member State in which that party is domiciled or in the courts for the place where the consumer is domiciled.</p> <p>2. Proceedings may be brought against a consumer by the other party to the contract only in the courts of the Member State in which the consumer is domiciled.</p> <p>3. This Article shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 18</b></p> <p>1. A consumer may bring proceedings against the other party to a contract either in the courts of the Member State in which that party is domiciled or, regardless of the domicile of the other party, in the courts for the place where the consumer is domiciled.</p> <p>2. Proceedings may be brought against a consumer by the other party to the contract only in the courts of the Member State in which the consumer is domiciled.</p> <p>3. This Article shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 14</b></p> <p>A consumer may bring proceedings against the other party to a contract either in the courts of the Contracting State in which that party is domiciled or in the courts of the Contracting State in which he is himself domiciled.</p> <p>Proceedings may be brought against a consumer by the other party to the contract only in the courts of the Contracting State in which the consumer is domiciled.</p> <p>These provisions shall not affect the right to bring a counterclaim in the court in which, in accordance with this Section, the original claim is pending.</p>	<p><b>Article 16</b></p> <p>1. A consumer may bring proceedings against the other party to a contract either in the courts of the State bound by this Convention in which that party is domiciled or in the courts for the place where the consumer is domiciled.</p> <p>2. Proceedings may be brought against a consumer by the other party to the contract only in the courts of the State bound by this Convention in which the consumer is domiciled.</p> <p>3. This Article shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</p>
<p><b>Article 15</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> <li>2. which allows the consumer to bring proceedings in courts other than those indicated in this Section; or</li> <li>3. which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Contracting State, and which confers jurisdiction on the courts of that State, provided that such an agreement is not contrary to the law of that State.</li> </ol>	<p><b>Article 17</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> <li>2. which allows the consumer to bring proceedings in courts other than those indicated in this Section; or</li> <li>3. which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Member State, and which confers jurisdiction on the courts of that Member State, provided that such an agreement is not contrary to the law of that Member State.</li> </ol>	<p><b>Article 19</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1) which is entered into after the dispute has arisen;</li> <li>2) which allows the consumer to bring proceedings in courts other than those indicated in this Section; or</li> <li>3) which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Member State, and which confers jurisdiction on the courts of that Member State, provided that such an agreement is not contrary to the law of that Member State.</li> </ol>	<p><b>Article 15</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> <li>2. which allows the consumer to bring proceedings in courts other than those indicated in this Section; or</li> <li>3. which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same Contracting State, and which confers jurisdiction on the courts of that State, provided that such an agreement is not contrary to the law of that State.</li> </ol>	<p><b>Article 17</b></p> <p>The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> <li>2. which allows the consumer to bring proceedings in courts other than those indicated in this Section; or</li> <li>3. which is entered into by the consumer and the other party to the contract, both of whom are at the time of conclusion of the contract domiciled or habitually resident in the same State bound by this Convention, and which confers jurisdiction on the courts of that State, provided that such an agreement is not contrary to the law of that State.</li> </ol>
	<p><b>SECTION 5</b></p> <p><b>Jurisdiction over individual contracts of employment</b></p>			<p><b>Section 5: Jurisdiction over individual contracts of employment</b></p>
	<p><b>Article 18</b></p> <p>1. In matters relating to individual contracts of employment, jurisdiction shall be determined by this Section, without prejudice to Article 4 and point 5 of Article 5.</p>	<p><b>Article 20</b></p> <p>1. In matters relating to individual contracts of employment, jurisdiction shall be determined by this Section, without prejudice to Article 6, point 5 of Article 7 and, in the case of proceedings brought against an employer, point 1 of Article 8.</p>		<p><b>Article 18</b></p> <p>1. In matters relating to individual contracts of employment, jurisdiction shall be determined by this Section, without prejudice to Articles 4 and 5(5).</p>

	<p>2. Where an employee enters into an individual contract of employment with an employer who is not domiciled in a Member State but has a branch, agency or other establishment in one of the Member States, the employer shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that Member State.</p>	<p>2. Where an employee enters into an individual contract of employment with an employer who is not domiciled in a Member State but has a branch, agency or other establishment in one of the Member States, the employer shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that Member State.</p>		<p>2. Where an employee enters into an individual contract of employment with an employer who is not domiciled in a State bound by this Convention but has a branch, agency or other establishment in one of the States bound by this Convention, the employer shall, in disputes arising out of the operations of the branch, agency or establishment, be deemed to be domiciled in that State.</p>
	<p><b>Article 19</b> An employer domiciled in a Member State may be sued:</p> <ol style="list-style-type: none"> <li>1) in the courts of the Member State where he is domiciled; or</li> <li>2) in another Member State:             <ol style="list-style-type: none"> <li>a) in the courts for the place where the employee habitually carries out his work or in the courts for the last place where he did so, or</li> <li>b) if the employee does not or did not habitually carry out his work in any one country, in the courts for the place where the business which engaged the employee is or was situated.</li> </ol> </li> </ol>	<p><b>Article 21</b></p> <ol style="list-style-type: none"> <li>1. An employer domiciled in a Member State may be sued:             <ol style="list-style-type: none"> <li>a) in the courts of the Member State in which he is domiciled; or</li> <li>b) in another Member State:                 <ol style="list-style-type: none"> <li>i) in the courts for the place where or from where the employee habitually carries out his work or in the courts for the last place where he did so; or</li> <li>ii) if the employee does not or did not habitually carry out his work in any one country, in the courts for the place where the business which engaged the employee is or was situated.</li> </ol> </li> </ol> </li> <li>2. An employer not domiciled in a Member State may be sued in a court of a Member State in accordance with point (b) of paragraph 1.</li> </ol>		<p><b>Article 19</b> An employer domiciled in a State bound by this Convention may be sued:</p> <ol style="list-style-type: none"> <li>1. in the courts of the State where he is domiciled; or</li> <li>2. in another State bound by this Convention:             <ol style="list-style-type: none"> <li>a) in the courts for the place where the employee habitually carries out his work or in the courts for the last place where he did so; or</li> <li>b) if the employee does not or did not habitually carry out his work in any one country, in the courts for the place where the business which engaged the employee is or was situated.</li> </ol> </li> </ol>
	<p><b>Article 20</b></p> <ol style="list-style-type: none"> <li>1. An employer may bring proceedings only in the courts of the Member State in which the employee is domiciled.</li> <li>2. The provisions of this Section shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</li> </ol>	<p><b>Article 22</b></p> <ol style="list-style-type: none"> <li>1. An employer may bring proceedings only in the courts of the Member State in which the employee is domiciled.</li> <li>2. The provisions of this Section shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</li> </ol>		<p><b>Article 20</b></p> <ol style="list-style-type: none"> <li>1. An employer may bring proceedings only in the courts of the State bound by this Convention in which the employee is domiciled.</li> <li>2. The provisions of this Section shall not affect the right to bring a counter-claim in the court in which, in accordance with this Section, the original claim is pending.</li> </ol>
	<p><b>Article 21</b> The provisions of this Section may be departed from only by an agreement on jurisdiction:</p> <ol style="list-style-type: none"> <li>1) which is entered into after the dispute has arisen; or</li> </ol>	<p><b>Article 23</b> The provisions of this Section may be departed from only by an agreement:</p> <ol style="list-style-type: none"> <li>1) which is entered into after the dispute has arisen; or</li> </ol>		<p><b>Article 21</b> The provisions of this Section may be departed from only by an agreement on jurisdiction:</p> <ol style="list-style-type: none"> <li>1. which is entered into after the dispute has arisen; or</li> </ol>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
	2) which allows the employee to bring proceedings in courts other than those indicated in this Section.	2) which allows the employee to bring proceedings in courts other than those indicated in this Section.		2. which allows the employee to bring proceedings in courts other than those indicated in this Section.
<b>Section 5 Exclusive jurisdiction</b>	<b>SECTION 6 Exclusive jurisdiction</b>		<b>Section 5: Exclusive jurisdiction</b>	<b>Section 6: Exclusive jurisdiction</b>
<p><b>Article 16</b> The following courts shall have exclusive jurisdiction, regardless of domicile:</p> <ol style="list-style-type: none"> <li>1. a) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the Contracting State in which the property is situated; b) however, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the Contracting State in which the defendant is domiciled shall also have jurisdiction, provided that the landlord and the tenant are natural persons and are domiciled in the same Contracting State <sup>(18)</sup>;</li> <li>2. in proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, or the decisions of their organs, the courts of the Contracting State in which the company, legal person or association has its seat;</li> <li>3. in proceedings which have as their object the validity of entries in public registers, the courts of the Contracting State in which the register is kept;</li> <li>4. in proceedings concerned with the registration or validity of patents, trade</li> </ol>	<p><b>Article 22</b> The following courts shall have exclusive jurisdiction, regardless of domicile:</p> <ol style="list-style-type: none"> <li>1) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the Member State in which the property is situated. However, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the Member State in which the defendant is domiciled shall also have jurisdiction, provided that the tenant is a natural person and that the landlord and the tenant are domiciled in the same Member State;</li> <li>2) in proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, or of the validity of the decisions of their organs, the courts of the Member State in which the company, legal person or association has its seat. In order to determine that seat, the court shall apply its rules of private international law;</li> <li>3) in proceedings which have as their object the validity of entries in public registers, the courts of the Member State in which the register is kept;</li> <li>4) in proceedings concerned with the registration or validity of patents, trade</li> </ol>	<p><b>Article 24</b> The following courts of a Member State shall have exclusive jurisdiction, regardless of the domicile of the parties:</p> <ol style="list-style-type: none"> <li>1) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the Member State in which the property is situated. However, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the Member State in which the defendant is domiciled shall also have jurisdiction, provided that the tenant is a natural person and that the landlord and the tenant are domiciled in the same Member State;</li> <li>2) in proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, or the validity of the decisions of their organs, the courts of the Member State in which the company, legal person or association has its seat. In order to determine that seat, the court shall apply its rules of private international law;</li> <li>3) in proceedings which have as their object the validity of entries in public registers, the courts of the Member State in which the register is kept;</li> <li>4) in proceedings concerned with the registration or validity of patents, trade</li> </ol>	<p><b>Article 16</b> The following courts shall have exclusive jurisdiction, regardless of domicile:</p> <ol style="list-style-type: none"> <li>1. a) in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the Contracting State in which the property is situated; b) however, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the Contracting State in which the defendant is domiciled shall also have jurisdiction, provided that the tenant is a natural person and neither party is domiciled in the Contracting State in which the property is situated;</li> <li>2. in proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, or the decisions of their organs, the courts of the Contracting State in which the company, legal person or association has its seat;</li> <li>3. in proceedings which have as their object the validity of entries in public registers, the courts of the Contracting State in which the register is kept;</li> <li>4. in proceedings concerned with the registration or validity of patents, trade</li> </ol>	<p><b>Article 22</b> The following courts shall have exclusive jurisdiction, regardless of domicile:</p> <ol style="list-style-type: none"> <li>1. in proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the State bound by this Convention in which the property is situated. However, in proceedings which have as their object tenancies of immovable property concluded for temporary private use for a maximum period of six consecutive months, the courts of the State bound by this Convention in which the defendant is domiciled shall also have jurisdiction, provided that the tenant is a natural person and that the landlord and the tenant are domiciled in the same State bound by this Convention;</li> <li>2. proceedings which have as their object the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, or of the validity of the decisions of their organs, the courts of the State bound by this Convention in which the company, legal person or association has its seat. In order to determine that seat, the court shall apply its rules of private international law;</li> <li>3. in proceedings which have as their object the validity of entries in public registers, the courts of the State bound by this Convention in which the register is kept;</li> <li>4. in proceedings concerned with the registration or validity of patents, trade</li> </ol>

<sup>18</sup> Point 1 as amended by Article 6 of the 1989 Accession Convention.

<p>marks, designs, or other similar rights required to be deposited or registered, the courts of the Contracting State in which the deposit or registration has been applied for, has taken place or is under the terms of an international convention deemed to have taken place;</p> <p><b>[See also Article Vd Protocol]</b></p> <p>5. in proceedings concerned with the enforcement of judgments, the courts of the Contracting State in which the judgment has been or is to be enforced.</p>	<p>marks, designs, or other similar rights required to be deposited or registered, the courts of the Member State in which the deposit or registration has been applied for, has taken place or is under the terms of a Community instrument or an international convention deemed to have taken place. Without prejudice to the jurisdiction of the European Patent Office under the Convention on the Grant of European Patents, signed at Munich on 5 October 1973, the courts of each Member State shall have exclusive jurisdiction, regardless of domicile, in proceedings concerned with the registration or validity of any European patent granted for that State;</p> <p>5) in proceedings concerned with the enforcement of judgments, the courts of the Member State in which the judgment has been or is to be enforced.</p>	<p>marks, designs, or other similar rights required to be deposited or registered, irrespective of whether the issue is raised by way of an action or as a defence, the courts of the Member State in which the deposit or registration has been applied for, has taken place or is under the terms of an instrument of the Union or an international convention deemed to have taken place. Without prejudice to the jurisdiction of the European Patent Office under the Convention on the Grant of European Patents, signed at Munich on 5 October 1973, the courts of each Member State shall have exclusive jurisdiction in proceedings concerned with the registration or validity of any European patent granted for that Member State.</p> <p>5) in proceedings concerned with the enforcement of judgments, the courts of the Member State in which the judgment has been or is to be enforced.</p>	<p>marks, designs, or other similar rights required to be deposited or registered, the courts of the Contracting State in which the deposit or registration has been applied for, has taken place or is under the terms of an international convention deemed to have taken place;</p> <p><b>[See also Article Vd Protocol I]</b></p> <p>5. in proceedings concerned with the enforcement of judgments, the courts of the Contracting State in which the judgment has been or is to be enforced.</p>	<p>marks, designs, or other similar rights required to be deposited or registered, irrespective of whether the issue is raised by way of an action or as a defence, the courts of the State bound by this Convention in which the deposit or registration has been applied for, has taken place or is, under the terms of a Community instrument or an international convention, deemed to have taken place. Without prejudice to the jurisdiction of the European Patent Office under the Convention on the grant of European patents, signed at Munich on 5 October 1973, the courts of each State bound by this Convention shall have exclusive jurisdiction, regardless of domicile, in proceedings concerned with the registration or validity of any European patent granted for that State irrespective of whether the issue is raised by way of an action or as a defence;</p> <p>5. in proceedings concerned with the enforcement of judgments, the courts of the State bound by this Convention in which the judgment has been or is to be enforced.</p>
<p><b>Section 6</b> <b>Prorogation of jurisdiction</b></p>	<p><b>SECTION 7</b> <b>Prorogation of jurisdiction</b></p>		<p><b>Section 6:</b> <b>Prorogation of jurisdiction</b></p>	<p><b>Section 7:</b> <b>Prorogation of jurisdiction</b></p>
<p><b>Article 17<sup>(19)</sup></b> If the parties, one or more of whom is domiciled in a Contracting State, have agreed that a court or the courts of a Contracting State are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, that court or those courts shall have exclusive jurisdiction. Such an agreement conferring jurisdiction shall be either:</p> <p>a) in writing or evidenced in writing; or</p>	<p><b>Article 23</b> 1. If the parties, one or more of whom is domiciled in a Member State, have agreed that a court or the courts of a Member State are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, that court or those courts shall have jurisdiction. Such jurisdiction shall be exclusive unless the parties have agreed otherwise. Such an agreement conferring jurisdiction shall be either:</p> <p>a) in writing or evidenced in writing; or</p>	<p><b>Article 25</b> 1. If the parties, regardless of their domicile, have agreed that a court or the courts of a Member State are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, that court or those courts shall have jurisdiction, unless the agreement is null and void as to its substantive validity under the law of that Member State. Such jurisdiction shall be exclusive unless the parties have agreed otherwise. The agreement conferring jurisdiction shall be either:</p> <p>a) in writing or evidenced in writing;</p>	<p><b>Article 17</b> 1. If the parties, one or more of whom is domiciled in a Contracting State, have agreed that a court or the courts of a Contracting State are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, that court or those courts shall have exclusive jurisdiction. Such an agreement conferring jurisdiction shall be either:</p> <p>a) in writing or evidenced in writing, or</p>	<p><b>Article 23</b> 1. If the parties, one or more of whom is domiciled in a State bound by this Convention, have agreed that a court or the courts of a State bound by this Convention are to have jurisdiction to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, that court or those courts shall have jurisdiction. Such jurisdiction shall be exclusive unless the parties have agreed otherwise. Such an agreement conferring jurisdiction shall be either:</p> <p>a) in writing or evidenced in writing; or</p>

<sup>19</sup> Text as amended by Article 11 of the 1978 Accession Convention and by Article 7 of the 1989 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>b) in a form which accords with practices which the parties have established between themselves; or</p> <p>c) in international trade or commerce, in a form which accords with a usage of which the parties are or ought to have been aware and which in such trade or commerce is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade or commerce concerned.</p> <p>Where such an agreement is concluded by parties, none of whom is domiciled in a Contracting State, the courts of other Contracting States shall have no jurisdiction over their disputes unless the court or courts chosen have declined jurisdiction.</p> <p>The court or courts of a Contracting State on which a trust instrument has conferred jurisdiction shall have exclusive jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved.</p> <p>Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to the provisions of Articles 12 or 15, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of Article 16.</p> <p>If an agreement conferring jurisdiction was concluded for the benefit of only one of the parties, that party shall retain the right to bring proceedings in any other court which has jurisdiction by virtue of this Convention.</p> <p>In matters relating to individual contracts of employment an agreement conferring jurisdiction shall have legal force only if it is</p>	<p>b) in a form which accords with practices which the parties have established between themselves; or</p> <p>c) in international trade or commerce, in a form which accords with a usage of which the parties are or ought to have been aware and which in such trade or commerce is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade or commerce concerned.</p> <p>2. Any communication by electronic means which provides a durable record of the agreement shall be equivalent to 'writing'.</p> <p>3. Where such an agreement is concluded by parties, none of whom is domiciled in a Member State, the courts of other Member States shall have no jurisdiction over their disputes unless the court or courts chosen have declined jurisdiction.</p> <p>4. The court or courts of a Member State on which a trust instrument has conferred jurisdiction shall have exclusive jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved;</p> <p>5. Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to Articles 13, 17 or 21, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of Article 22.</p>	<p>b) in a form which accords with practices which the parties have established between themselves; or</p> <p>c) in international trade or commerce, in a form which accords with a usage of which the parties are or ought to have been aware and which in such trade or commerce is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade or commerce concerned.</p> <p>2. Any communication by electronic means which provides a durable record of the agreement shall be equivalent to 'writing'.</p> <p><b>[Cf Article 25.1 :</b> If the parties, regardless of their domicile,...]</p> <p>3. The court or courts of a Member State on which a trust instrument has conferred jurisdiction shall have exclusive jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between those persons or their rights or obligations under the trust are involved.</p> <p>4. Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to Articles 15, 19 or 23, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of Article 24.</p>	<p>b) in a form which accords with practices which the parties have established between themselves, or</p> <p>c) in international trade or commerce, in a form which accords with a usage of which the parties are or ought to have been aware and which in such trade or commerce is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade or commerce concerned.</p> <p>Where such an agreement is concluded by parties, none of whom is domiciled in a Contracting State, the courts of other Contracting States shall have no jurisdiction over their disputes unless the court or courts chosen have declined jurisdiction.</p> <p>2. The court or courts of a Contracting State on which a trust instrument has conferred jurisdiction shall have exclusive jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved.</p> <p>3. Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to the provisions of Article 12 or 15, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of Article 16.</p> <p>4. If an agreement conferring jurisdiction was concluded for the benefit of only one of the parties, that party shall retain the right to bring proceedings in any other court which has jurisdiction by virtue of this Convention.</p> <p>5. In matters relating to individual contracts of employment an agreement conferring jurisdiction shall have legal</p>	<p>b) in a form which accords with practices which the parties have established between themselves; or</p> <p>c) in international trade or commerce, in a form which accords with a usage of which the parties are or ought to have been aware and which in such trade or commerce is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade or commerce concerned.</p> <p>2. Any communication by electronic means which provides a durable record of the agreement shall be equivalent to 'writing'.</p> <p>3. Where such an agreement is concluded by parties, none of whom is domiciled in a State bound by this Convention, the courts of other States bound by this Convention shall have no jurisdiction over their disputes unless the court or courts chosen have declined jurisdiction.</p> <p>4. The court or courts of a State bound by this Convention on which a trust instrument has conferred jurisdiction shall have exclusive jurisdiction in any proceedings brought against a settlor, trustee or beneficiary, if relations between these persons or their rights or obligations under the trust are involved.</p> <p>5. Agreements or provisions of a trust instrument conferring jurisdiction shall have no legal force if they are contrary to the provisions of Articles 13, 17 or 21, or if the courts whose jurisdiction they purport to exclude have exclusive jurisdiction by virtue of Article 22.</p>

<p>entered into after the dispute has arisen or if the employee invokes it to seise courts other than those for the defendant's domicile or those specified in Article 5 (1).</p>		<p>5. An agreement conferring jurisdiction which forms part of a contract shall be treated as an agreement independent of the other terms of the contract. The validity of the agreement conferring jurisdiction cannot be contested solely on the ground that the contract is not valid.</p>	<p>force only if it is entered into after the dispute has arisen.</p>	
<p><b>Article 18</b> Apart from jurisdiction derived from other provisions of this Convention, a court of a Contracting State before whom a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was entered solely to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Article 16.</p>	<p><b>Article 24</b> Apart from jurisdiction derived from other provisions of this Regulation, a court of a Member State before which a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was entered to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Article 22.</p>	<p><b>Article 26</b> 1. Apart from jurisdiction derived from other provisions of this Regulation, a court of a Member State before which a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was entered to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Article 24.  2. In matters referred to in Sections 3, 4 or 5 where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee is the defendant, the court shall, before assuming jurisdiction under paragraph 1, ensure that the defendant is informed of his right to contest the jurisdiction of the court and of the consequences of entering or not entering an appearance.</p>	<p><b>Article 18</b> Apart from jurisdiction derived from other provisions of this Convention, a court of a Contracting State before whom a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was entered solely to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Article 16.</p>	<p><b>Article 24</b> Apart from jurisdiction derived from other provisions of this Convention, a court of a State bound by this Convention before which a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was entered to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Article 22.</p>
<p style="text-align: center;"><b>Section 7 Examination as to jurisdiction and admissibility</b></p>	<p style="text-align: center;"><b>SECTION 8 Examination as to jurisdiction and admissibility</b></p>		<p style="text-align: center;"><b>Section 7: Examination as to jurisdiction and admissibility</b></p>	<p style="text-align: center;"><b>Section 8: Examination as to jurisdiction and admissibility</b></p>
<p><b>Article 19</b> Where a court of a Contracting State is seised of a claim which is principally concerned with a matter over which the courts of another Contracting State have exclusive jurisdiction by virtue of Article 16, it shall declare of its own motion that it has no jurisdiction.</p>	<p><b>Article 25</b> Where a court of a Member State is seised of a claim which is principally concerned with a matter over which the courts of another Member State have exclusive jurisdiction by virtue of Article 22, it shall declare of its own motion that it has no jurisdiction.</p>	<p><b>Article 27</b> Where a court of a Member State is seised of a claim which is principally concerned with a matter over which the courts of another Member State have exclusive jurisdiction by virtue of Article 24, it shall declare of its own motion that it has no jurisdiction.</p>	<p><b>Article 19</b> Where a court of a Contracting State is seised of a claim which is principally concerned with a matter over which the courts of another Contracting State have exclusive jurisdiction by virtue of Article 16, it shall declare of its own motion that it has no jurisdiction.</p>	<p><b>Article 25</b> Where a court of a State bound by this Convention is seised of a claim which is principally concerned with a matter over which the courts of another State bound by this Convention have exclusive jurisdiction by virtue of Article 22, it shall declare of its own motion that it has no jurisdiction.</p>
<p><b>Article 20</b> Where a defendant domiciled in one Contracting State is sued in a court of another Contracting State and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the provisions of</p>	<p><b>Article 26</b> 1. Where a defendant domiciled in one Member State is sued in a court of another Member State and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the</p>	<p><b>Article 28</b> 1. Where a defendant domiciled in one Member State is sued in a court of another Member State and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the</p>	<p><b>Article 20</b> Where a defendant domiciled in one Contracting State is sued in a court of another Contracting State and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction unless its jurisdiction is derived from the provisions</p>	<p><b>Article 26</b> 1. Where a defendant domiciled in one State bound by this Convention is sued in a court of another State bound by this Convention and does not enter an appearance, the court shall declare of its own motion that it has no</p>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>the Convention.</p> <p>The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end <sup>(20)</sup>.</p> <p>The provisions of the foregoing paragraph shall be replaced by those of Article 15 of the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters, if the document instituting the proceedings or notice thereof had to be transmitted abroad in accordance with that Convention.</p>	<p>provisions of this Regulation.</p> <p>2. The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.</p> <p>3. Article 19 of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters <sup>(21)</sup> shall apply instead of the provisions of paragraph 2 if the document instituting the proceedings or an equivalent document had to be transmitted from one Member State to another pursuant to this Regulation.</p> <p>4. Where the provisions of Regulation (EC) No 1348/2000 are not applicable, Article 15 of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters shall apply if the document instituting the proceedings or an equivalent document had to be transmitted pursuant to that Convention.</p>	<p>provisions of this Regulation.</p> <p>2. The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.</p> <p>3. Article 19 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) <sup>(22)</sup> shall apply instead of paragraph 2 of this Article if the document instituting the proceedings or an equivalent document had to be transmitted from one Member State to another pursuant to that Regulation.</p> <p>4. Where Regulation (EC) No 1393/2007 is not applicable, Article 15 of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters shall apply if the document instituting the proceedings or an equivalent document had to be transmitted abroad pursuant to that Convention.</p>	<p>of this Convention.</p> <p>The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.</p> <p>The provisions of the foregoing paragraph shall be replaced by those of Article 15 of the Hague Convention of 15 November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters, if the document instituting the proceedings or notice thereof had to be transmitted abroad in accordance with that Convention.</p>	<p>jurisdiction unless its jurisdiction is derived from the provisions of this Convention.</p> <p>2. The court shall stay the proceedings so long as it is not shown that the defendant has been able to receive the document instituting the proceedings or an equivalent document in sufficient time to enable him to arrange for his defence, or that all necessary steps have been taken to this end.</p> <p>3. Instead of the provisions of paragraph 2, Article 15 of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial matters shall apply if the document instituting the proceedings or an equivalent document had to be transmitted pursuant to that Convention.</p> <p>4. Member States of the European Community bound by Council Regulation (EC) No 1348/2000 of 29 May 2000 or by the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters, signed at Brussels on 19 October 2005, shall apply in their mutual relations the provision in Article 19 of that Regulation if the document instituting the proceedings or an equivalent document had to be transmitted pursuant to that Regulation or that Agreement.</p>
<p><b>Section 8</b> <b>Lis pendens — related actions</b></p>	<p><b>SECTION 9</b> <b>Lis pendens — related actions</b></p>		<p><b>Section 8:</b> <b>Lis pendens — related actions</b></p>	<p><b>Section 9:</b> <b>Lis pendens — related actions</b></p>
<p><b>Article 21<sup>(23)</sup></b> Where proceedings involving the same cause of action and between the same parties are</p>	<p><b>Article 27</b> 1. Where proceedings involving the same cause of action and between the same</p>	<p><b>Article 29</b> 1. Without prejudice to Article 31(2), where proceedings involving the same cause of</p>	<p><b>Article 21</b> Where proceedings involving the same cause of action and between the same parties are</p>	<p><b>Article 27</b> 1. Where proceedings involving the same cause of action and between the same</p>

<sup>20</sup> Second subparagraph as amended by Article 12 of the 1978 Accession Convention.

<sup>21</sup> OJ L 160, 30.6.2000, p. 37.

<sup>22</sup> OJ L 324, 10.12.2007, p. 79.

<sup>23</sup> Text as amended by Article 8 of the 1989 Accession Convention.

<p>brought in the courts of different Contracting States, any court other than the court first seised shall of its own motion stay its proceedings until such time as the jurisdiction of the court first seised is established.</p> <p>Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>	<p>parties are brought in the courts of different Member States, any court other than the court first seised shall of its own motion stay its proceedings until such time as the jurisdiction of the court first seised is established.</p> <p>2. Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>	<p>action and between the same parties are brought in the courts of different Member States, any court other than the court first seised shall of its own motion stay its proceedings until such time as the jurisdiction of the court first seised is established.</p> <p>2. In cases referred to in paragraph 1, upon request by a court seised of the dispute, any other court seised shall without delay inform the former court of the date when it was seised in accordance with Article 32.</p> <p>3. Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>	<p>brought in the courts of different Contracting States, any court other than the court first seised shall of its own motion stay its proceedings until such time as the jurisdiction of the court first seised is established.</p> <p>Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>	<p>parties are brought in the courts of different States bound by this Convention, any court other than the court first seised shall of its own motion stay its proceedings until such time as the jurisdiction of the court first seised is established.</p> <p>2. Where the jurisdiction of the court first seised is established, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>
<p><b>Article 22</b> Where related actions are brought in the courts of different Contracting States, any court other than the court first seised may, while the actions are pending at first instance, stay its proceedings.</p> <p>A court other than the court first seised may also, on the application of one of the parties, decline jurisdiction if the law of that court permits the consolidation of related actions and the court first seised has jurisdiction over both actions.</p> <p>For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</p>	<p><b>Article 28</b> 1. Where related actions are pending in the courts of different Member States, any court other than the court first seised may stay its proceedings.</p> <p>2. Where these actions are pending at first instance, any court other than the court first seised may also, on the application of one of the parties, decline jurisdiction if the court first seised has jurisdiction over the actions in question and its law permits the consolidation thereof.</p> <p>3. For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</p>	<p><b>Article 30</b> 1. Where related actions are pending in the courts of different Member States, any court other than the court first seised may stay its proceedings.</p> <p>2. Where the action in the court first seised is pending at first instance, any other court may also, on the application of one of the parties, decline jurisdiction if the court first seised has jurisdiction over the actions in question and its law permits the consolidation thereof.</p> <p>3. For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</p>	<p><b>Article 22</b> Where related actions are brought in the courts of different Contracting States, any court other than the court first seised may, while the actions are pending at first instance, stay its proceedings.</p> <p>A court other than the court first seised may also, on the application of one of the parties, decline jurisdiction if the law of that court permits the consolidation of related actions and the court first seised has jurisdiction over both actions.</p> <p>For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</p>	<p><b>Article 28</b> 1. Where related actions are pending in the courts of different States bound by this Convention, any court other than the court first seised may stay its proceedings.</p> <p>2. Where these actions are pending at first instance, any court other than the court first seised may also, on the application of one of the parties, decline jurisdiction if the court first seised has jurisdiction over the actions in question and its law permits the consolidation thereof.</p> <p>3. For the purposes of this Article, actions are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</p>
<p><b>Article 23</b> Where actions come within the exclusive jurisdiction of several courts, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>	<p><b>Article 29</b> Where actions come within the exclusive jurisdiction of several courts, any court other than the court first seised shall decline jurisdiction in favour of that court.</p> <p><b>[Cf Article 27]</b></p>	<p><b>Article 31</b> 1. Where actions come within the exclusive jurisdiction of several courts, any court other than the court first seised shall decline jurisdiction in favour of that court.</p> <p>2. Without prejudice to Article 26, where a court of a Member State on which an agreement as referred to in Article 25 confers exclusive jurisdiction is seised, any court of another Member State shall</p>	<p><b>Article 23</b> Where actions come within the exclusive jurisdiction of several courts, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>	<p><b>Article 29</b> Where actions come within the exclusive jurisdiction of several courts, any court other than the court first seised shall decline jurisdiction in favour of that court.</p>

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		<p>stay the proceedings until such time as the court seised on the basis of the agreement declares that it has no jurisdiction under the agreement.</p> <p>3. Where the court designated in the agreement has established jurisdiction in accordance with the agreement, any court of another Member State shall decline jurisdiction in favour of that court.</p> <p>4. Paragraphs 2 and 3 shall not apply to matters referred to in Sections 3, 4 or 5 where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee is the claimant and the agreement is not valid under a provision contained within those Sections.</p>		
	<p><b>Article 30</b> For the purposes of this Section, a court shall be deemed to be seised:</p> <ol style="list-style-type: none"> <li>1. at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the plaintiff has not subsequently failed to take the steps he was required to take to have service effected on the defendant, or</li> <li>2. if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service, provided that the plaintiff has not subsequently failed to take the steps he was required to take to have the document lodged with the court.</li> </ol>	<p><b>Article 32</b></p> <ol style="list-style-type: none"> <li>1. For the purposes of this Section, a court shall be deemed to be seised: <ol style="list-style-type: none"> <li>a) at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the claimant has not subsequently failed to take the steps he was required to take to have service effected on the defendant; or</li> <li>b) if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service, provided that the claimant has not subsequently failed to take the steps he was required to take to have the document lodged with the court.</li> </ol> <p>The authority responsible for service referred to in point (b) shall be the first authority receiving the documents to be served.</p> </li> <li>2. The court, or the authority responsible for service, referred to in paragraph 1, shall note, respectively, the date of the lodging of the document instituting the proceedings or the equivalent document, or the date of receipt of the documents to be served.</li> </ol>		<p><b>Article 30</b> For the purposes of this Section, a court shall be deemed to be seised:</p> <ol style="list-style-type: none"> <li>1. at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the plaintiff has not subsequently failed to take the steps he was required to take to have service effected on the defendant; or</li> <li>2. if the document has to be served before being lodged with the court at the time when it is received by the authority responsible for service, provided that the plaintiff has not subsequently failed to take the steps he was required to take to have the document lodged with the court.</li> </ol>

		<p><b>Article 33</b></p> <ol style="list-style-type: none"><li>1. Where jurisdiction is based on Article 4 or on Articles 7, 8 or 9 and proceedings are pending before a court of a third State at the time when a court in a Member State is seised of an action involving the same cause of action and between the same parties as the proceedings in the court of the third State, the court of the Member State may stay the proceedings if:<ol style="list-style-type: none"><li>a) it is expected that the court of the third State will give a judgment capable of recognition and, where applicable, of enforcement in that Member State; and</li><li>b) the court of the Member State is satisfied that a stay is necessary for the proper administration of justice.</li></ol></li><li>2. The court of the Member State may continue the proceedings at any time if:<ol style="list-style-type: none"><li>a) the proceedings in the court of the third State are themselves stayed or discontinued;</li><li>b) it appears to the court of the Member State that the proceedings in the court of the third State are unlikely to be concluded within a reasonable time; or</li><li>c) the continuation of the proceedings is required for the proper administration of justice.</li></ol></li><li>3. The court of the Member State shall dismiss the proceedings if the proceedings in the court of the third State are concluded and have resulted in a judgment capable of recognition and, where applicable, of enforcement in that Member State.</li><li>4. The court of the Member State shall apply this Article on the application of one of the parties or, where possible under national law, of its own motion.</li></ol> <p><b>Article 34</b></p> <ol style="list-style-type: none"><li>1. Where jurisdiction is based on Article 4 or on Articles 7, 8 or 9 and an action is pending before a court of a third State at the time when a court in a Member State is seised of an action which is related to the action in the court of the third State, the court of the Member State may stay</li></ol>		
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Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
		<p>the proceedings if:</p> <ol style="list-style-type: none"> <li>a) it is expedient to hear and determine the related actions together to avoid the risk of irreconcilable judgments resulting from separate proceedings;</li> <li>b) it is expected that the court of the third State will give a judgment capable of recognition and, where applicable, of enforcement in that Member State; and</li> <li>c) the court of the Member State is satisfied that a stay is necessary for the proper administration of justice.</li> </ol> <ol style="list-style-type: none"> <li>2. The court of the Member State may continue the proceedings at any time if: <ol style="list-style-type: none"> <li>a) it appears to the court of the Member State that there is no longer a risk of irreconcilable judgments;</li> <li>b) the proceedings in the court of the third State are themselves stayed or discontinued;</li> <li>c) it appears to the court of the Member State that the proceedings in the court of the third State are unlikely to be concluded within a reasonable time; or</li> <li>d) the continuation of the proceedings is required for the proper administration of justice.</li> </ol> </li> <li>3. The court of the Member State may dismiss the proceedings if the proceedings in the court of the third State are concluded and have resulted in a judgment capable of recognition and, where applicable, of enforcement in that Member State.</li> <li>4. The court of the Member State shall apply this Article on the application of one of the parties or, where possible under national law, of its own motion.</li> </ol>		
<b>Section 9 Provisional, including protective, measures</b>	<b>SECTION 10 Provisional, including protective, measures</b>		<b>Section 9: Provisional, including protective, measures</b>	<b>Section 10: Provisional, including protective, measures</b>
<b>Article 24</b> Application may be made to the courts of a Contracting State for such provisional, including protective, measures as may be available under the law of that State, even if, under this Convention, the courts of another Contracting State have jurisdiction as to the substance of the matter.	<b>Article 31</b> Application may be made to the courts of a Member State for such provisional, including protective, measures as may be available under the law of that State, even if, under this Regulation, the courts of another Member State have jurisdiction as to the substance of the matter.	<b>Article 35</b> Application may be made to the courts of a Member State for such provisional, including protective, measures as may be available under the law of that Member State, even if the courts of another Member State have jurisdiction as to the substance of the matter.	<b>Article 24</b> Application may be made to the courts of a Contracting State for such provisional, including protective, measures as may be available under the law of that State, even if, under this Convention, the courts of another Contracting State have jurisdiction as to the substance of the matter.	<b>Article 31</b> Application may be made to the courts of a State bound by this Convention for such provisional, including protective, measures as may be available under the law of that State, even if, under this Convention, the courts of another State bound by this Convention have jurisdiction as to the substance of the matter.

<b>TITLE III RECOGNITION AND ENFORCEMENT</b>	<b>CHAPTER III RECOGNITION AND ENFORCEMENT</b>		<b>TITLE III: RECOGNITION AND ENFORCEMENT</b>	
<p><b>Article 25</b> For the purposes of this Convention, 'judgment' means any judgment given by a court or tribunal of a Contracting State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.</p>	<p><b>Article 32</b> For the purposes of this Regulation, 'judgment' means any judgment given by a court or tribunal of a Member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.</p>	<p><b>[See also Article 2, a :</b> For the purposes of this Regulation: a) 'judgment' means any judgment given by a court or tribunal of a Member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as a decision on the determination of costs or expenses by an officer of the court. For the purposes of Chapter III, 'judgment' includes provisional, including protective, measures ordered by a court or tribunal which by virtue of this Regulation has jurisdiction as to the substance of the matter. It does not include a provisional, including protective, measure which is ordered by such a court or tribunal without the defendant being summoned to appear, unless the judgment containing the measure is served on the defendant prior to enforcement;]</p>	<p><b>Article 25</b> For the purposes of this Convention, 'judgment' means any judgment given by a court or tribunal of a Contracting State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.</p>	<p><b>Article 32</b> For the purposes of this Convention, 'judgment' means any judgment given by a court or tribunal of a State bound by this Convention, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.</p>
<b>Section 1 Recognition</b>	<b>SECTION 1 Recognition</b>		<b>Section 1: Recognition</b>	
<p><b>Article 26</b> A judgment given in a Contracting State shall be recognized in the other Contracting States without any special procedure being required.</p> <p>Any interested party who raises the recognition of a judgment as the principal issue in a dispute may, in accordance with the procedures provided for in Sections 2 and 3 of this Title, apply for a decision that the judgment be recognized.</p> <p>If the outcome of proceedings in a court of a Contracting State depends on the determination of an incidental question of recognition that court shall have jurisdiction over that question.</p>	<p><b>Article 33</b> 1. A judgment given in a Member State shall be recognised in the other Member States without any special procedure being required.</p> <p>2. Any interested party who raises the recognition of a judgment as the principal issue in a dispute may, in accordance with the procedures provided for in Sections 2 and 3 of this Chapter, apply for a decision that the judgment be recognised.</p> <p>3. If the outcome of proceedings in a court of a Member State depends on the determination of an incidental question of recognition that court shall have jurisdiction over that question.</p>	<p><b>Article 36</b> 1. A judgment given in a Member State shall be recognised in the other Member States without any special procedure being required.</p> <p>2. Any interested party may, in accordance with the procedure provided for in Subsection 2 of Section 3, apply for a decision that there are no grounds for refusal of recognition as referred to in Article 45.</p> <p>3. If the outcome of proceedings in a court of a Member State depends on the determination of an incidental question of refusal of recognition, that court shall have jurisdiction over that question.</p>	<p><b>Article 26</b> A judgment given in a Contracting State shall be recognized in the other Contracting States without any special procedure being required.</p> <p>Any interested party who raises the recognition of a judgment as the principal issue in a dispute may, in accordance with the procedures provided for in Section 2 and 3 of this Title, apply for a decision that the judgment be recognized.</p> <p>If the outcome of proceedings in a court of a Contracting State depends on the determination of an incidental question of recognition that court shall have jurisdiction over that question.</p>	<p><b>Article 33</b> 1. A judgment given in a State bound by this Convention shall be recognised in the other States bound by this Convention without any special procedure being required.</p> <p>2. Any interested party who raises the recognition of a judgment as the principal issue in a dispute may, in accordance with the procedures provided for in Sections 2 and 3 of this Title, apply for a decision that the judgment be recognised.</p> <p>3. If the outcome of proceedings in a court of a State bound by this Convention depends on the determination of an incidental question of recognition that court shall have jurisdiction over that question.</p>
<p><b>Article 27</b> A judgment shall not be recognized:</p> <p>1. if such recognition is contrary to public</p>	<p><b>Article 34</b> A judgment shall not be recognised:</p> <p>1. if such recognition is manifestly contrary</p>	<p><b>[See also Article 45</b> 1. On the application of any interested party, the recognition of a judgment shall be refused: a) if such recognition is manifestly contrary</p>	<p><b>Article 27</b> A judgment shall not be recognized:</p> <p>1. if such recognition is contrary to public policy in the State in which recognition is sought;</p>	<p><b>Article 34</b> A judgment shall not be recognised:</p> <p>1. if such recognition is manifestly contrary to public policy in the State in which recognition is sought;</p>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>policy in the State in which recognition is sought;</p> <p>2. where it was given in default of appearance, if the defendant was not duly served with the document which instituted the proceedings or with an equivalent document in sufficient time to enable him to arrange for his defence<sup>(24)</sup>;</p> <p>3. if the judgment is irreconcilable with a judgment given in a dispute between the same parties in the State in which recognition is sought;</p> <p>4. if the court of the State of origin, in order to arrive at its judgment, has decided a preliminary question concerning the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills or succession in a way that conflicts with a rule of the private international law of the State in which the recognition is sought, unless the same result would have been reached by the application of the rules of private international law of that State;</p> <p>5. if the judgment is irreconcilable with an earlier judgment given in a non-contracting State involving the same cause of action and between the same parties, provided that this latter judgment fulfils the conditions necessary for its recognition in the State addressed<sup>(25)</sup>.</p>	<p>to public policy in the Member State in which recognition is sought;</p> <p>2. where it was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;</p> <p>3. if it is irreconcilable with a judgment given in a dispute between the same parties in the Member State in which recognition is sought;</p> <p>4. if it is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed.</p>	<p>to public policy (ordre public) in the Member State addressed;</p> <p>b) where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;</p> <p>c) if the judgment is irreconcilable with a judgment given between the same parties in the Member State addressed;</p> <p>d) if the judgment is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed; (...)]</p>	<p>2. where it was given in default of appearance, if the defendant was not duly served with the document which instituted the proceedings or with an equivalent document in sufficient time to enable him to arrange for his defence;</p> <p>3. if the judgment is irreconcilable with a judgment given in a dispute between the same parties in the State in which recognition is sought;</p> <p>4. if the court of the State of origin, in order to arrive at its judgment, has decided a preliminary question concerning the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills or succession in a way that conflicts with a rule of the private international law of the State in which the recognition is sought, unless the same result would have been reached by the application of the rules of private international law of that State;</p> <p>5. if the judgment is irreconcilable with an earlier judgment given in a non-contracting State involving the same cause of action and between the same parties, provided that this latter judgment fulfils the conditions necessary for its recognition in the State addressed.</p>	<p>2. where it was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;</p> <p>3. if it is irreconcilable with a judgment given in a dispute between the same parties in the State in which recognition is sought;</p> <p>4. if it is irreconcilable with an earlier judgment given in another State bound by this Convention or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the State addressed.</p>
<p><b>Article 28</b> Moreover, a judgment shall not be recognized if it conflicts with the provisions of Sections 3, 4 or 5 of Title II, or in a case provided for in Article 59.</p>	<p><b>Article 35</b> 1. Moreover, a judgment shall not be recognised if it conflicts with Sections 3, 4 or 6 of Chapter II, or in a case provided for in Article 72.</p>	<p><b>[Cf Article 45</b> 1. On the application of any interested party, the recognition of a judgment shall be refused: e) if the judgment conflicts with: i) Sections 3, 4 or 5 of Chapter II where the policyholder, the insured, a beneficiary of the</p>	<p><b>Article 28</b> Moreover, a judgment shall not be recognized if it conflicts with the provisions of Sections 3, 4 or 5 of Title II or in a case provided for in Article 59. A judgment may furthermore be refused recognition in any case provided for in Article 54B (3) or 57 (4).</p>	<p><b>Article 35</b> 1. Moreover, a judgment shall not be recognised if it conflicts with Sections 3, 4 or 6 of Title II, or in a case provided for in Article 68. A judgment may furthermore be refused recognition in any case provided for in Article 64(3) or 67(4).</p>

<sup>24</sup> Point 2 as amended by Article 13 (1) of the 1978 Accession Convention.

<sup>25</sup> Point 5 added by Article 13 (2) of the 1978 Accession Convention and amended by Annex I (d) (2) second subparagraph to the 1989 Accession Convention.

<p>In its examination of the grounds of jurisdiction referred to in the foregoing paragraph, the court or authority applied to shall be bound by the findings of fact on which the court of the State of origin based its jurisdiction.</p> <p>Subject to the provisions of the first paragraph, the jurisdiction of the court of the State of origin may not be reviewed; the test of public policy referred to in point 1 of Article 27 may not be applied to the rules relating to jurisdiction.</p>	<p>2. In its examination of the grounds of jurisdiction referred to in the foregoing paragraph, the court or authority applied to shall be bound by the findings of fact on which the court of the Member State of origin based its jurisdiction.</p> <p>3. Subject to the paragraph 1, the jurisdiction of the court of the Member State of origin may not be reviewed. The test of public policy referred to in point 1 of Article 34 may not be applied to the rules relating to jurisdiction.</p>	<p>insurance contract, the injured party, the consumer or the employee was the defendant; or ii) Section 6 of Chapter II.</p> <p>2. In its examination of the grounds of jurisdiction referred to in point (e) of paragraph 1, the court to which the application was submitted shall be bound by the findings of fact on which the court of origin based its jurisdiction.</p> <p>3. Without prejudice to point (e) of paragraph 1, the jurisdiction of the court of origin may not be reviewed. The test of public policy referred to in point (a) of paragraph 1 may not be applied to the rules relating to jurisdiction.</p> <p>4. The application for refusal of recognition shall be made in accordance with the procedures provided for in Subsection 2 and, where appropriate, Section 4.]</p>	<p>In its examination of the grounds of jurisdiction referred to in the foregoing paragraphs, the court or authority applied to shall be bound by the findings of fact on which the court of the State of origin based its jurisdiction.</p> <p>Subject to the provisions of the first and second paragraphs, the jurisdiction of the court of the State of origin may not be reviewed; the test of public policy referred to in Article 27 (1) may not be applied to the rules relating to jurisdiction.</p>	<p>2. In its examination of the grounds of jurisdiction referred to in the foregoing paragraph, the court or authority applied to shall be bound by the findings of fact on which the court of the State of origin based its jurisdiction.</p> <p>3. Subject to the provisions of paragraph 1, the jurisdiction of the court of the State of origin may not be reviewed. The test of public policy referred to in Article 34(1) may not be applied to the rules relating to jurisdiction.</p>
<p><b>Article 29</b> Under no circumstances may a foreign judgment be reviewed as to its substance.</p>	<p><b>Article 36</b> Under no circumstances may a foreign judgment be reviewed as to its substance.</p>	<p><b>[See also Article 52</b> Under no circumstances may a judgment given in a Member State be reviewed as to its substance in the Member State addressed.]</p>	<p><b>Article 29</b> Under no circumstances may a foreign judgment be reviewed as to its substance.</p>	<p><b>Article 36</b> Under no circumstances may a foreign judgment be reviewed as to its substance.</p>
<p><b>[Cf. Article 46]</b></p> <p><b>[See also Article 48.2]</b></p>	<p><b>[Cf Article 53]</b></p> <p><b>[See also Article 55.2]</b></p>	<p><b>Article 37</b></p> <p>1. A party who wishes to invoke in a Member State a judgment given in another Member State shall produce:</p> <p>a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and</p> <p>b) the certificate issued pursuant to Article 53.</p> <p>2. The court or authority before which a judgment given in another Member State is invoked may, where necessary, require the party invoking it to provide, in accordance with Article 57, a translation or a transliteration of the contents of the certificate referred to in point (b) of paragraph 1. The court or authority may require the party to provide a translation of the judgment instead of a translation of the contents of the certificate if it is unable to proceed without such a translation.</p>	<p><b>[Cf Article 46]</b></p> <p><b>[See also Article 48.2]</b></p>	<p><b>[Cf Article 53]</b></p> <p><b>[See also Article 55.2]</b></p>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p><b>Article 30</b> A court of a Contracting State in which recognition is sought of a judgment given in another Contracting State may stay the proceedings if an ordinary appeal against the judgment has been lodged.</p> <p>A court of a Contracting State in which recognition is sought of a judgment given in Ireland or the United Kingdom may stay the proceedings if enforcement is suspended in the State of origin, by reason of an appeal <sup>(26)</sup>.</p>	<p><b>Article 37</b></p> <ol style="list-style-type: none"> <li>1. A court of a Member State in which recognition is sought of a judgment given in another Member State may stay the proceedings if an ordinary appeal against the judgment has been lodged.</li> <li>2. A court of a Member State in which recognition is sought of a judgment given in Ireland or the United Kingdom may stay the proceedings if enforcement is suspended in the State of origin, by reason of an appeal.</li> </ol>	<p><b>Article 38</b> The court or authority before which a judgment given in another Member State is invoked may suspend the proceedings, in whole or in part, if:</p> <ol style="list-style-type: none"> <li>a) the judgment is challenged in the Member State of origin; or</li> <li>b) an application has been submitted for a decision that there are no grounds for refusal of recognition as referred to in Article 45 or for a decision that the recognition is to be refused on the basis of one of those grounds.</li> </ol>	<p><b>Article 30</b> A court of a Contracting State in which recognition is sought of a judgment given in another Contracting State may stay the proceedings if an ordinary appeal against the judgment has been lodged.</p> <p>A court of a Contracting State in which recognition is sought of a judgment given in Ireland or the United Kingdom may stay the proceedings if enforcement is suspended in the State of origin by reason of an appeal.</p>	<p><b>Article 37</b></p> <ol style="list-style-type: none"> <li>1. A court of a State bound by this Convention in which recognition is sought of a judgment given in another State bound by this Convention may stay the proceedings if an ordinary appeal against the judgment has been lodged.</li> <li>2. A court of a State bound by this Convention in which recognition is sought of a judgment given in Ireland or the United Kingdom may stay the proceedings if enforcement is suspended in the State of origin, by reason of an appeal.</li> </ol>
<b>Section 2 Enforcement</b>	<b>SECTION 2 Enforcement</b>		<b>Section 2: Enforcement</b>	
<p><b>Article 31</b> A judgment given in a Contracting State and enforceable in that State shall be enforced in another Contracting State when, on the application of any interested party, it has been declared enforceable there <sup>(27)</sup>.</p> <p>However, in the United Kingdom, such a judgment shall be enforced in England and Wales, in Scotland, or in Northern Ireland when, on the application of any interested party, it has been registered for enforcement in that part of the United Kingdom <sup>(28)</sup>.</p>	<p><b>Article 38</b></p> <ol style="list-style-type: none"> <li>1. A judgment given in a Member State and enforceable in that State shall be enforced in another Member State when, on the application of any interested party, it has been declared enforceable there.</li> <li>2. However, in the United Kingdom, such a judgment shall be enforced in England and Wales, in Scotland, or in Northern Ireland when, on the application of any interested party, it has been registered for enforcement in that part of the United Kingdom.</li> </ol>	<p><b>Article 39</b> A judgment given in a Member State which is enforceable in that Member State shall be enforceable in the other Member States without any declaration of enforceability being required.</p> <p><b>Article 40</b> An enforceable judgment shall carry with it by operation of law the power to proceed to any protective measures which exist under the law of the Member State addressed.</p> <p><b>Article 41</b> 1. Subject to the provisions of this Section, the procedure for the enforcement of judgments given in another Member State shall be governed by the law of the Member State addressed. A judgment given in a Member State which is enforceable in the Member State addressed shall be enforced there under the</p>	<p><b>Article 31</b> A judgment given in a Contracting State and enforceable in that State shall be enforced in another Contracting State when, on the application of any interested party, it has been declared enforceable there.</p> <p>However, in the United Kingdom, such a judgment shall be enforced in England and Wales, in Scotland, or in Northern Ireland when, on the application of any interested party, it has been registered for enforcement in that part of the United Kingdom.</p>	<p><b>Article 38</b></p> <ol style="list-style-type: none"> <li>1. A judgment given in a State bound by this Convention and enforceable in that State shall be enforced in another State bound by this Convention when, on the application of any interested party, it has been declared enforceable there.</li> <li>2. However, in the United Kingdom, such a judgment shall be enforced in England and Wales, in Scotland, or in Northern Ireland when, on the application of any interested party, it has been registered for enforcement in that part of the United Kingdom.</li> </ol>
<p><b>Article 32</b> 1. The application shall be submitted: — [...] <sup>29</sup></p>	<p><b>Article 39</b></p> <ol style="list-style-type: none"> <li>1. The application shall be submitted to the court or competent authority indicated in the list in Annex II.</li> <li>2. The local jurisdiction shall be determined by reference to the place of domicile of</li> </ol>	<p>1. Subject to the provisions of this Section, the procedure for the enforcement of judgments given in another Member State shall be governed by the law of the Member State addressed. A judgment given in a Member State which is enforceable in the Member State addressed shall be enforced there under the</p>	<p><b>Article 32</b> 1. The application shall be submitted: — [...] <sup>30</sup></p> <p>2. The jurisdiction of local courts shall be determined by reference to the place of</p>	<p><b>Article 39</b></p> <ol style="list-style-type: none"> <li>1. The application shall be submitted to the court or competent authority indicated in the list in Annex II.</li> <li>2. The local jurisdiction shall be determined by reference to the place of</li> </ol>

<sup>26</sup> Second subparagraph added by Article 14 of the 1978 Accession Convention.

<sup>27</sup> Text as amended by Article 9 of the 1989 Accession Convention.

<sup>28</sup> Second subparagraph added by Article 15 of the 1978 Accession Convention.

<sup>29</sup> See [list](#) of authorities under Article 32.

<sup>30</sup> See [list](#) of authorities under Article 32.

	the party against whom enforcement is sought, or to the place of enforcement.	same conditions as a judgment given in the Member State addressed. 2. Notwithstanding paragraph 1, the grounds for refusal or of suspension of enforcement under the law of the Member State addressed shall apply in so far as they are not incompatible with the grounds referred to in Article 45. 3. The party seeking the enforcement of a judgment given in another Member State shall not be required to have a postal address in the Member State addressed. Nor shall that party be required to have an authorised representative in the Member State addressed unless such a representative is mandatory irrespective of the nationality or the domicile of the parties.	domicile of the party against whom enforcement is sought. If he is not domiciled in the State in which enforcement is sought, it shall be determined by reference to the place of enforcement.
<b>Article 33</b> The procedure for making the application shall be governed by the law of the State in which enforcement is sought.  The applicant must give an address for service of process within the area of jurisdiction of the court applied to. However, if the law of the State in which enforcement is sought does not provide for the furnishing of such an address, the applicant shall appoint a representative ad litem.  The documents referred to in Articles 46 and 47 shall be attached to the application.	<b>Article 40</b> 1. The procedure for making the application shall be governed by the law of the Member State in which enforcement is sought. 2. The applicant must give an address for service of process within the area of jurisdiction of the court applied to. However, if the law of the Member State in which enforcement is sought does not provide for the furnishing of such an address, the applicant shall appoint a representative ad litem. 3. The documents referred to in Article 53 shall be attached to the application.	<b>Article 42</b> 1. For the purposes of enforcement in a Member State of a judgment given in another Member State, the applicant shall provide the competent enforcement authority with: a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and b) the certificate issued pursuant to Article 53, certifying that the judgment is enforceable and containing an extract of the judgment as well as, where appropriate, relevant information on the recoverable costs of the proceedings and the calculation of interest. 2. For the purposes of enforcement in a Member State of a judgment given in another Member State ordering a provisional, including a protective, measure, the applicant shall provide the competent enforcement authority with: a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; b) the certificate issued pursuant to Article 53, containing a description of the measure and certifying that: i) the court has jurisdiction as to the substance of the matter; ii) the judgment is enforceable in the Member State of origin; and c) where the measure was ordered without the defendant being summoned to appear, proof of service of the judgment.	<b>Article 33</b> The procedure for making the application shall be governed by the law of the State in which enforcement is sought.  The applicant must give an address for service of process within the area of jurisdiction of the court applied to. However, if the law of the State in which enforcement is sought does not provide for the furnishing of such an address, the applicant shall appoint a representative ad litem.  The documents referred to in Articles 46 and 47 shall be attached to the application.
<b>Article 34</b> The court applied to shall give its decision without delay; the party against whom enforcement is sought shall not at this stage of the proceedings be entitled to make any submissions on the application. The application may be refused only for one of the reasons specified in Articles 27 and 28.  Under no circumstances may the foreign judgment be reviewed as to its substance.	<b>Article 41</b> The judgment shall be declared enforceable immediately on completion of the formalities in Article 53 without any review under Articles 34 and 35. The party against whom enforcement is sought shall not at this stage of the proceedings be entitled to make any submissions on the application.		<b>Article 34</b> The court applied to shall give its decision without delay; the party against whom enforcement is sought shall not at this stage of the proceedings be entitled to make any submissions on the application. The application may be refused only for one of the reasons specified in Articles 27 and 28.  Under no circumstances may the foreign judgment be reviewed as to its substance.
<b>Article 35</b> The appropriate officer of the court shall without delay bring the decision given on the application to the notice of the applicant in accordance with the procedure laid down by the law of the State in which enforcement is sought.	<b>Article 42</b> 1. The decision on the application for a declaration of enforceability shall forthwith be brought to the notice of the applicant in accordance with the procedure laid down by the law of the Member State in which enforcement is sought. 2. The declaration of enforceability shall be served on the party against whom enforcement is sought, accompanied by the judgment, if not already served on that party.		<b>Article 35</b> The appropriate officer of the court shall without delay bring the decision given on the application to the notice of the applicant in accordance with the procedure laid down by the law of the State in which enforcement is sought.
<b>Article 36</b> If enforcement is authorized, the party against whom enforcement is sought may appeal against the decision within one month of	<b>Article 43</b> 1. The decision on the application for a declaration of enforceability may be appealed against by either party.		<b>Article 36</b> If enforcement is authorized, the party against whom enforcement is sought may appeal against the decision within one month
			<b>Article 40</b> 1. The procedure for making the application shall be governed by the law of the State in which enforcement is sought. 2. The applicant must give an address for service of process within the area of jurisdiction of the court applied to. However, if the law of the State in which enforcement is sought does not provide for the furnishing of such an address, the applicant shall appoint a representative ad litem. 3. The documents referred to in Article 53 shall be attached to the application.
			<b>Article 41</b> The judgment shall be declared enforceable immediately on completion of the formalities in Article 53 without any review under Articles 34 and 35. The party against whom enforcement is sought shall not at this stage of the proceedings be entitled to make any submissions on the application.
			<b>Article 42</b> 1. The decision on the application for a declaration of enforceability shall forthwith be brought to the notice of the applicant in accordance with the procedure laid down by the law of the State in which enforcement is sought. 2. The declaration of enforceability shall be served on the party against whom enforcement is sought, accompanied by the judgment, if not already served on that party.
			<b>Article 43</b> 1. The decision on the application for a declaration of enforceability may be appealed against by either party.

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<p>service thereof.</p> <p>If that party is domiciled in a Contracting State other than that in which the decision authorizing enforcement was given, the time for appealing shall be two months and shall run from the date of service, either on him in person or at his residence. No extension of time may be granted on account of distance.</p> <p><b>Article 37<sup>(31)</sup></b></p> <p>1. An appeal against the decision authorizing enforcement shall be lodged in accordance with the rules governing procedure in contentious matters:</p> <p>— in Belgium, with the ‘tribunal de première instance’ or ‘rechtbank van eerste aanleg’, — [...] <sup>32</sup></p> <p>2. The judgment given on the appeal may be contested only:</p> <p>— in Belgium, Greece, Spain, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation, — [...]</p> <p><b>[Article 40</b></p> <p>1. If the application for enforcement is refused, the applicant may appeal:</p> <p>— in Belgium, to the ‘cour d’appel’ or ‘hof van beroep’, — [...] <sup>33</sup></p> <p>2. The party against whom enforcement is sought shall be summoned to appear before the appellate court. If he fails to appear, the provisions of the second and third paragraphs of Article 20 shall apply even where he is not domiciled in any of the Contracting States.</p> <p><b>Article 44</b></p> <p>The judgment given on the appeal may be contested only by the appeal referred to in Annex IV.</p>	<p>2. The appeal is to be lodged with the court indicated in the list in Annex III.</p> <p>3. The appeal shall be dealt with in accordance with the rules governing procedure in contradictory matters.</p> <p>4. If the party against whom enforcement is sought fails to appear before the appellate court in proceedings concerning an appeal brought by the applicant, Article 26(2) to (4) shall apply even where the party against whom enforcement is sought is not domiciled in any of the Member States.</p> <p>5. An appeal against the declaration of enforceability is to be lodged within one month of service thereof. If the party against whom enforcement is sought is domiciled in a Member State other than that in which the declaration of enforceability was given, the time for appealing shall be two months and shall run from the date of service, either on him in person or at his residence. No extension of time may be granted on account of distance.</p>	<p>3. The competent enforcement authority may, where necessary, require the applicant to provide, in accordance with Article 57, a translation or a transliteration of the contents of the certificate.</p> <p>4. The competent enforcement authority may require the applicant to provide a translation of the judgment only if it is unable to proceed without such a translation.</p> <p><b>Article 43</b></p> <p>1. Where enforcement is sought of a judgment given in another Member State, the certificate issued pursuant to Article 53 shall be served on the person against whom the enforcement is sought prior to the first enforcement measure. The certificate shall be accompanied by the judgment, if not already served on that person.</p> <p>2. Where the person against whom enforcement is sought is domiciled in a Member State other than the Member State of origin, he may request a translation of the judgment in order to contest the enforcement if the judgment is not written in or accompanied by a translation into either of the following languages: a) a language which he understands; or b) the official language of the Member State in which he is domiciled or, where there are several official languages in that Member State, the official language or one of the official languages of the place where he is domiciled. Where a translation of the judgment is requested under the first subparagraph, no measures of enforcement may be taken other than protective measures until that translation has been provided to the person against whom enforcement is sought. This paragraph shall not apply if the judgment has already been served on the person against whom enforcement is sought in one of the languages referred to in the first subparagraph or is accompanied by a</p>	<p>of service thereof.</p> <p>If that party is domiciled in a Contracting State other than that in which the decision authorizing enforcement was given, the time for appealing shall be two months and shall run from the date of service, either on him in person or at his residence. N° extension of time may be granted on account of distance.</p> <p><b>Article 37</b></p> <p>1. An appeal against the decision authorizing enforcement shall be lodged in accordance with the rules governing procedure in contentious matters:</p> <p>— in Switzerland, with the tribunal cantonal / Kantonsgericht / tribunale cantonale, — [...] <sup>35</sup></p> <p>2. The judgment given on the appeal may be contested only:</p> <p>— in Switzerland, by a recours de droit public devant le tribunal fédéral / staatsrechtliche Beschwerde beim Bundesgericht / ricorso di diritto pubblico davanti al tribunale federale, [...]</p> <p><b>[Article 40</b></p> <p>1. If the application for enforcement is refused, the applicant may appeal:</p> <p>— in Belgium, to the cour d’appel or hof van beroep, — [...] <sup>36</sup></p> <p>2. The party against whom enforcement is sought shall be summoned to appear before the appellate court. If he fails to appear, the provisions of the second and third paragraphs of Article 20 shall apply even where he is not domiciled in any of the Contracting States.</p>	<p>2. The appeal is to be lodged with the court indicated in the list in Annex III.</p> <p>3. The appeal shall be dealt with in accordance with the rules governing procedure in contradictory matters..</p> <p>4. If the party against whom enforcement is sought fails to appear before the appellate court in proceedings concerning an appeal brought by the applicant, Article 26(2) to (4) shall apply even where the party against whom enforcement is sought is not domiciled in any of the States bound by this Convention.</p> <p>5. An appeal against the declaration of enforceability is to be lodged within one month of service thereof. If the party against whom enforcement is sought is domiciled in a State bound by this Convention other than that in which the declaration of enforceability was given, the time for appealing shall be two months and shall run from the date of service, either on him in person or at his residence. No extension of time may be granted on account of distance.</p>

<sup>31</sup> Text as amended by Article 17 of the 1978 Accession Convention, by Article 5 of the 1982 Accession Convention, by Article 11 of the 1989 Accession Convention and by Article 4 of the 1996 Accession Convention.

<sup>32</sup> See [list](#) under Article 37.

<sup>33</sup> See [list](#) under Article 40.

<p><b>Article 41<sup>(34)</sup></b>  A judgment given on an appeal provided for in Article 40 may be contested only:  — in Belgium, Greece, Spain, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,  — in Denmark, by an appeal to the ‘højesteret’, with the leave of the Minister of Justice,  — in the Federal Republic of Germany, by a ‘Rechtsbeschwerde’,  — in Ireland, by an appeal on a point of law to the Supreme Court,  — in Austria, by a ‘Revisionsrekurs’,  — in Portugal, by an appeal on a point of law,  — in Finland, by an appeal to ‘korkein oikeus/högsta domstolen’,  — in Sweden, by an appeal to ‘Högsta domstolen’,  — in the United Kingdom, by a single further appeal on a point of law. ]</p>		<p>translation into one of those languages.</p> <p>3. This Article shall not apply to the enforcement of a protective measure in a judgment or where the person seeking enforcement proceeds to protective measures in accordance with Article 40.</p> <p><b>Article 44</b></p> <p>1. In the event of an application for refusal of enforcement of a judgment pursuant to Subsection 2 of Section 3, the court in the Member State addressed may, on the application of the person against whom enforcement is sought:</p> <p>a) limit the enforcement proceedings to protective measures;  b) make enforcement conditional on the provision of such security as it shall determine; or  c) suspend, either wholly or in part, the enforcement proceedings.</p> <p>2. The competent authority in the Member State addressed shall, on the application of the person against whom enforcement is sought, suspend the enforcement proceedings where the enforceability of the judgment is suspended in the Member State of origin.</p>	<p><b>Article 41</b>  A judgment given on an appeal provided for in Article 40 may be contested only:  — in Belgium, Greece, Spain, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,  — in Denmark, by an appeal to the ‘højesteret’, with the leave of the Minister of Justice,  — in the Federal Republic of Germany, by a ‘Rechtsbeschwerde’,  — in Ireland, by an appeal on a point of law to the Supreme Court,  — in Austria, by a Revisionsrekurs,  — in Portugal, by an appeal on a point of law,  — in Finland, by an appeal to the korkein oikeus / högsta domstolen,  — in Sweden, by an appeal to the högsta domstolen  — in the United Kingdom, by a single further appeal on a point of law. ]</p> <p><b>[Cf Article 34.2]</b></p>	<p><b>Article 44</b>  The judgment given on the appeal may be contested only by the appeal referred to in Annex IV.</p> <p><b>Article 45</b></p> <p>1. The court with which an appeal is lodged under Article 43 or Article 44 shall refuse or revoke a declaration of enforceability only on one of the grounds specified in Articles 34 and 35. It shall give its decision without delay.</p> <p>2. Under no circumstances may the foreign judgment be reviewed as to its substance.</p>
<p><b>[Cf Article 34.2]</b></p>	<p><b>Article 45</b></p> <p>1. The court with which an appeal is lodged under Article 43 or Article 44 shall refuse or revoke a declaration of enforceability only on one of the grounds specified in Articles 34 and 35. It shall give its decision without delay.</p> <p>2. Under no circumstances may the foreign judgment be reviewed as to its substance.</p>			
<p><b>Article 38</b>  The court with which the appeal under Article 37 (1) is lodged may, on the application of the appellant, stay the proceedings if an ordinary appeal has been lodged against the judgment in the State of origin or if the time for such an appeal has not yet expired; in the latter case, the court may specify the time within which such an appeal is to be lodged</p> <p>Where the judgment was given in Ireland or the United Kingdom, any form of appeal</p>	<p><b>Article 46</b></p> <p>1. The court with which an appeal is lodged under Article 43 or Article 44 may, on the application of the party against whom enforcement is sought, stay the proceedings if an ordinary appeal has been lodged against the judgment in the Member State of origin or if the time for such an appeal has not yet expired; in the latter case, the court may specify the time within which such an appeal is to be lodged.</p> <p>2. Where the judgment was given in Ireland or the United Kingdom, any form of</p>		<p><b>Article 38</b>  The court with which the appeal under Article 37 (1) is lodged may, on the application of the appellant, stay the proceedings if an ordinary appeal has been lodged against the judgment in the State of origin or if the time for such an appeal has not yet expired; in the latter case, the court may specify the time within which such an appeal is to be lodged.</p> <p>Where the judgment was given in Ireland or the United Kingdom, any form of appeal</p>	<p><b>Article 46</b></p> <p>1. The court with which an appeal is lodged under Article 43 or Article 44 may, on the application of the party against whom enforcement is sought, stay the proceedings if an ordinary appeal has been lodged against the judgment in the State of origin or if the time for such an appeal has not yet expired; in the latter case, the court may specify the time within which such an appeal is to be lodged.</p> <p>2. Where the judgment was given in Ireland or the United Kingdom, any</p>

<sup>35</sup> See [list](#) under Article 37.

<sup>36</sup> See [list](#) under Article 40.

<sup>34</sup> Text as amended by Article 20 of the 1978 Accession Convention, by Article 7 of the 1982 Accession Convention, by Article 13 of the 1989 Accession Convention and by Article 6 of the 1996 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>available in the State of origin shall be treated as an ordinary appeal for the purposes of the first paragraph <sup>(37)</sup>.</p> <p>The court may also make enforcement conditional on the provision of such security as it shall determine.</p>	<p>appeal available in the Member State of origin shall be treated as an ordinary appeal for the purposes of paragraph 1.</p> <p>3. The court may also make enforcement conditional on the provision of such security as it shall determine.</p> <p><b>[See also Article 47]</b></p>		<p>available in the State of origin shall be treated as an ordinary appeal for the purposes of the first paragraph.</p> <p>The court may also make enforcement conditional on the provision of such security as it shall determine.</p>	<p>form of appeal available in the State of origin shall be treated as an ordinary appeal for the purposes of paragraph 1.</p> <p>3. The court may also make enforcement conditional on the provision of such security as it shall determine.</p>
<p><b>Article 39</b></p> <p>During the time specified for an appeal pursuant to Article 36 and until any such appeal has been determined, no measures of enforcement may be taken other than protective measures taken against the property of the party against whom enforcement is sought.</p> <p>The decision authorizing enforcement shall carry with it the power to proceed to any such protective measures.</p>	<p><b>Article 47</b></p> <p>1. When a judgment must be recognised in accordance with this Regulation, nothing shall prevent the applicant from availing himself of provisional, including protective, measures in accordance with the law of the Member State requested without a declaration of enforceability under Article 41 being required.</p> <p>2. The declaration of enforceability shall carry with it the power to proceed to any protective measures.</p> <p>3. During the time specified for an appeal pursuant to Article 43(5) against the declaration of enforceability and until any such appeal has been determined, no measures of enforcement may be taken other than protective measures against the property of the party against whom enforcement is sought.</p>	<p><b>[Cf Article 44.1 a)</b></p> <p>In the event of an application for refusal of enforcement of a judgment pursuant to Subsection 2 of Section 3, the court in the Member State addressed may, on the application of the person against whom enforcement is sought:</p> <p>a. limit the enforcement proceedings to protective measures]</p>	<p><b>Article 39</b></p> <p>During the time specified for an appeal pursuant to Article 36 and until any such appeal has been determined, no measures of enforcement may be taken other than protective measures taken against the property of the party against whom enforcement is sought.</p> <p>The decision authorizing enforcement shall carry with it the power to proceed to any such protective measures.</p>	<p><b>Article 47</b></p> <p>1. When a judgment must be recognised in accordance with this Convention, nothing shall prevent the applicant from availing himself of provisional, including protective, measures in accordance with the law of the State requested without a declaration of enforceability under Article 41 being required.</p> <p>2. The declaration of enforceability shall carry with it the power to proceed to any protective measures.</p> <p>3. During the time specified for an appeal pursuant to Article 43(5) against the declaration of enforceability and until any such appeal has been determined, no measures of enforcement may be taken other than protective measures against the property of the party against whom enforcement is sought.</p>
<p><b>Article 40</b></p> <p>1. If the application for enforcement is refused, the applicant may appeal:</p> <p>— in Belgium, to the ‘cour d’appel’ or ‘hof van beroep’,</p> <p>— [...]<sup>38</sup></p> <p>2. The party against whom enforcement is sought shall be summoned to appear before the appellate court. If he fails to appear, the provisions of the second and third paragraphs of Article 20 shall apply even where he is not domiciled in any of the Contracting States.</p>	<p><b>[See also Article 43 and Annex III]</b></p>		<p><b>Article 40</b></p> <p>1. If the application for enforcement is refused, the applicant may appeal:</p> <p>– in Switzerland, to the tribunal cantonal / Kantonsgericht / tribunale cantonale,</p> <p>– [...].<sup>40</sup></p> <p>2. The party against whom enforcement is sought shall be summoned to appear before the appellate court. If he fails to appear, the provisions of the second and third paragraphs of Article 20 shall apply even where he is not domiciled in any of the Contracting States.</p>	<p><b>[See also Article 43 and Annex III]</b></p>

<sup>37</sup> Second subparagraph added by Article 18 of the 1978 Accession Convention

<sup>38</sup> See [list](#) under Article 40.

<p><b>Article 41<sup>(39)</sup></b>  A judgment given on an appeal provided for in Article 40 may be contested only:  — in Belgium, Greece, Spain, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,  — in Denmark, by an appeal to the ‘højesteret’, with the leave of the Minister of Justice,  — in the Federal Republic of Germany, by a ‘Rechtsbeschwerde’,  — in Ireland, by an appeal on a point of law to the Supreme Court,  — in Austria, by a ‘Revisionsrekurs’,  — in Portugal, by an appeal on a point of law,  — in Finland, by an appeal to ‘korkein oikeus/högsta domstolen’,  — in Sweden, by an appeal to ‘Högsta domstolen’,  — in the United Kingdom, by a single further appeal on a point of law.</p>	<p><b>[See also Article 44 and Annex IV]</b></p>		<p><b>Article 41</b>  A judgment given on an appeal provided for in Article 40 may be contested only:  – in Switzerland, by a recours de droit public devant le tribunal fédéral / staatsrechtliche Beschwerde beim Bundesgericht / ricorso di diritto pubblico davanti al tribunale federale;  – [...]</p>	<p><b>See also Article 44 and Annex IV]</b></p>
<p><b>Article 42</b>  Where a foreign judgment has been given in respect of several matters and enforcement cannot be authorized for all of them, the court shall authorize enforcement for one or more of them.</p> <p>An applicant may request partial enforcement of a judgment.</p>	<p><b>Article 48</b>  1. Where a foreign judgment has been given in respect of several matters and the declaration of enforceability cannot be given for all of them, the court or competent authority shall give it for one or more of them.</p> <p>2. An applicant may request a declaration of enforceability limited to parts of a judgment.</p>		<p><b>Article 42</b>  Where a foreign judgment has been given in respect of several matters and enforcement cannot be authorized for all of them, the court shall authorize enforcement for one or more of them.</p> <p>An applicant may request partial enforcement of a judgment.</p>	<p><b>Article 48</b>  1. Where a foreign judgment has been given in respect of several matters and the declaration of enforceability cannot be given for all of them, the court or competent authority shall give it for one or more of them.</p> <p>2. An applicant may request a declaration of enforceability limited to parts of a judgment.</p>
<p><b>Article 43</b>  A foreign judgment which orders a periodic payment by way of a penalty shall be enforceable in the State in which enforcement is sought only if the amount of the payment has been finally determined by the courts of the State of origin.</p>	<p><b>Article 49</b>  A foreign judgment which orders a periodic payment by way of a penalty shall be enforceable in the Member State in which enforcement is sought only if the amount of the payment has been finally determined by the courts of the Member State of origin.</p>	<p><b>[See also Article 55</b>  A judgment given in a Member State which orders a payment by way of a penalty shall be enforceable in the Member State addressed only if the amount of the payment has been finally determined by the court of origin.]</p>	<p><b>Article 43</b>  A foreign judgment which orders a periodic payment by way of a penalty shall be enforceable in the State in which enforcement is sought only if the amount of the payment has been finally determined by the courts of the State of origin.</p>	<p><b>Article 49</b>  A foreign judgment which orders a periodic payment by way of a penalty shall be enforceable in the State in which enforcement is sought only if the amount of the payment has been finally determined by the courts of the State of origin.</p>
<p><b>Article 44<sup>(41)</sup></b>  An applicant who, in the State of origin has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in the procedures provided for in Articles 32 to 35, to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses provided for by the law of the State addressed.</p>	<p><b>Article 50</b>  An applicant who, in the Member State of origin has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in the procedure provided for in this Section, to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses provided for by the law of the Member State addressed.</p>		<p><b>Article 44</b>  An applicant who, in the State of origin, has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in the procedures provided for in Articles 32 to 35, to benefit from the most favourable legal aids or the most extensive exemption from costs or expenses provided for by the law of the State addressed.</p>	<p><b>Article 50</b>  1. An applicant who in the State of origin has benefited from complete or partial legal aid or exemption from costs or expenses shall be entitled, in the procedure provided for in this Section, to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses</p>

<sup>40</sup> See [list](#) under Article 40.

<sup>39</sup> Text as amended by Article 20 of the 1978 Accession Convention, by Article 7 of the 1982 Accession Convention, by Article 13 of the 1989 Accession Convention and by Article 6 of the 1996 Accession Convention.

<sup>41</sup> Text as amended by Article 21 of the 1978 Accession Convention and by Annex I (d) (8) to the 1989 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>However, an applicant who requests the enforcement of a decision given by an administrative authority in Denmark in respect of a maintenance order may, in the State addressed, claim the benefits referred to in the first paragraph if he presents a statement from the Danish Ministry of Justice to the effect that he fulfils the economic requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses.</p>			<p>However, an applicant who requests the enforcement of a decision given by an administrative authority in Denmark or in Iceland in respect of a maintenance order may, in the State addressed, claim the benefits referred to in the first paragraph if he presents a statement from, respectively, the Danish Ministry of Justice or the Icelandic Ministry of Justice to the effect that he fulfils the economic requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses.</p>	<p>provided for by the law of the State addressed.</p> <p>2. However, an applicant who requests the enforcement of a decision given by an administrative authority in Denmark, in Iceland or in Norway in respect of maintenance may, in the State addressed, claim the benefits referred to in paragraph 1 if he presents a statement from the Danish, Icelandic, or Norwegian Ministry of Justice to the effect that he fulfils the economic requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses.</p>
<p><b>Article 45</b> No security, bond or deposit, however described, shall be required of a party who in one Contracting State applies for enforcement of a judgment given in another Contracting State on the ground that he is a foreign national or that he is not domiciled or resident in the State in which enforcement is sought.</p>	<p><b>Article 51</b> No security, bond or deposit, however described, shall be required of a party who in one Member State applies for enforcement of a judgment given in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the State in which enforcement is sought.</p>	<p><b>[See also Article 56</b> No security, bond or deposit, however described, shall be required of a party who in one Member State applies for the enforcement of a judgment given in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State addressed.]</p>	<p><b>Article 45</b> No security, bond or deposit, however described, shall be required of a party who in one Contracting State applies for enforcement of a judgment given in another Contracting State on the ground that he is a foreign national or that he is not domiciled or resident in the State in which enforcement is sought.</p>	<p><b>Article 51</b> No security, bond or deposit, however described, shall be required of a party who in one State bound by this Convention, applies for enforcement of a judgment given in another State bound by this Convention on the ground that he is a foreign national or that he is not domiciled or resident in the State in which enforcement is sought.</p>
<p><b>[See also Article III Protocol]</b></p>	<p><b>Article 52</b> In proceedings for the issue of a declaration of enforceability, no charge, duty or fee calculated by reference to the value of the matter at issue may be levied in the Member State in which enforcement is sought.</p>		<p><b>[See also Article III Protocol I]</b></p>	<p><b>Article 52</b> In proceedings for the issue of a declaration of enforceability, no charge, duty or fee calculated by reference to the value of the matter at issue may be levied in the State in which enforcement is sought.</p>
<p><b>[Cf Articles 27 and 28]</b></p>	<p><b>[See also Articles 34 and 35]</b></p>	<p style="text-align: center;"><b>SECTION 3</b> <b>Refusal of recognition and enforcement</b></p> <p style="text-align: center;"><b>Subsection 1</b> <b>Refusal of recognition</b></p> <p><b>Article 45</b> 1. On the application of any interested party, the recognition of a judgment shall be refused:</p> <p>a) if such recognition is manifestly contrary to public policy (ordre public) in the Member State addressed;</p> <p>b) where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time</p>	<p><b>[Cf Articles 27 and 28]</b></p>	<p><b>[See also Articles 34 and 35]</b></p>

		<p>and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;</p> <p>c) if the judgment is irreconcilable with a judgment given between the same parties in the Member State addressed;</p> <p>d) if the judgment is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed; or</p> <p>e) if the judgment conflicts with:</p> <p>i) Sections 3, 4 or 5 of Chapter II where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee was the defendant; or</p> <p>ii) Section 6 of Chapter II.</p> <p>2. In its examination of the grounds of jurisdiction referred to in point (e) of paragraph 1, the court to which the application was submitted shall be bound by the findings of fact on which the court of origin based its jurisdiction.</p> <p>3. Without prejudice to point (e) of paragraph 1, the jurisdiction of the court of origin may not be reviewed. The test of public policy referred to in point (a) of paragraph 1 may not be applied to the rules relating to jurisdiction.</p> <p>4. The application for refusal of recognition shall be made in accordance with the procedures provided for in Subsection 2 and, where appropriate, Section 4.</p>		
		<p style="text-align: center;"><b>Subsection 2</b> <b>Refusal of enforcement</b></p> <p><b>Article 46</b> On the application of the person against whom enforcement is sought, the enforcement of a judgment shall be refused where one of the grounds referred to in Article 45 is found to exist.</p>		

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
[Cf Article 37.1]	[Cf Article 43.2]	<p><b>Article 47</b></p> <ol style="list-style-type: none"> <li>1. The application for refusal of enforcement shall be submitted to the court which the Member State concerned has communicated to the Commission pursuant to point (a) of Article 75 as the court to which the application is to be submitted.</li> <li>2. The procedure for refusal of enforcement shall, in so far as it is not covered by this Regulation, be governed by the law of the Member State addressed.</li> <li>3. The applicant shall provide the court with a copy of the judgment and, where necessary, a translation or transliteration of it.</li> </ol> <p>The court may dispense with the production of the documents referred to in the first subparagraph if it already possesses them or if it considers it unreasonable to require the applicant to provide them. In the latter case, the court may require the other party to provide those documents.</p> <ol style="list-style-type: none"> <li>4. The party seeking the refusal of enforcement of a judgment given in another Member State shall not be required to have a postal address in the Member State addressed. Nor shall that party be required to have an authorised representative in the Member State addressed unless such a representative is mandatory irrespective of the nationality or the domicile of the parties.</li> </ol> <p><b>Article 48</b> The court shall decide on the application for refusal of enforcement without delay.</p> <p><b>Article 49</b></p> <ol style="list-style-type: none"> <li>1. The decision on the application for refusal of enforcement may be appealed against by either party.</li> <li>2. The appeal is to be lodged with the court which the Member State concerned has communicated to the Commission pursuant to point (b) of Article 75 as the court with which such an appeal is to be lodged.</li> </ol>	[Cf Article 37.1]	[Cf Article 43.2]
[Cf Article 36.1 and 40]	[See also Article 43]	<p><b>Article 49</b></p> <ol style="list-style-type: none"> <li>1. The decision on the application for refusal of enforcement may be appealed against by either party.</li> <li>2. The appeal is to be lodged with the court which the Member State concerned has communicated to the Commission pursuant to point (b) of Article 75 as the court with which such an appeal is to be lodged.</li> </ol>	[Cf Article 36.1 and 40]	[See also Article 43]

<p>[Cf Article 37.2 and 41]</p> <p>[See also Article 38]</p>	<p>[See also Article 44]</p> <p>[See also Article 46]</p>	<p><b>Article 50</b> The decision given on the appeal may only be contested by an appeal where the courts with which any further appeal is to be lodged have been communicated by the Member State concerned to the Commission pursuant to point (c) of Article 75.</p> <p><b>Article 51</b> 1. The court to which an application for refusal of enforcement is submitted or the court which hears an appeal lodged under Article 49 or Article 50 may stay the proceedings if an ordinary appeal has been lodged against the judgment in the Member State of origin or if the time for such an appeal has not yet expired. In the latter case, the court may specify the time within which such an appeal is to be lodged. 2. Where the judgment was given in Ireland, Cyprus or the United Kingdom, any form of appeal available in the Member State of origin shall be treated as an ordinary appeal for the purposes of paragraph 1.</p>	<p>[See also Article 37.2 and 41]</p> <p>[See also Article 38]</p>	<p>[Cf Article 44]</p> <p>[See also Article 46]</p>
<p><b>Section 3 Common provisions</b></p>		<p><b>SECTION 4 Common provisions</b></p>	<p><b>Section 3: Common provisions</b></p>	
<p>[See also Article 29]</p>	<p>[See also Article 36]</p>	<p><b>Article 52</b> Under no circumstances may a judgment given in a Member State be reviewed as to its substance in the Member State addressed.</p>	<p>[See also Article 29]</p>	<p>[See also Article 36]</p>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p><b>Article 46</b> A party seeking recognition or applying for enforcement of a judgment shall produce:</p> <ol style="list-style-type: none"> <li>1. a copy of the judgment which satisfies the conditions necessary to establish its authenticity;</li> <li>2. in the case of a judgment given in default, the original or a certified true copy of the document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document <sup>(42)</sup>.</li> </ol>	<p><b>Article 53</b></p> <ol style="list-style-type: none"> <li>1. A party seeking recognition or applying for a declaration of enforceability shall produce a copy of the judgment which satisfies the conditions necessary to establish its authenticity.</li> <li>2. A party applying for a declaration of enforceability shall also produce the certificate referred to in Article 54, without prejudice to Article 55.</li> </ol>	<p>[Cf Article 37]</p>	<p><b>Article 46</b> A party seeking recognition or applying for enforcement of a judgment shall produce:</p> <ol style="list-style-type: none"> <li>1. a copy of the judgment which satisfies the conditions necessary to establish its authenticity;</li> <li>2. in the case of a judgment given in default, the original or a certified true copy of the document which establishes that the party in default was served with the document instituting the proceedings or with an equivalent document.</li> </ol>	<p><b>Article 53</b></p> <ol style="list-style-type: none"> <li>1. A party seeking recognition or applying for a declaration of enforceability shall produce a copy of the judgment which satisfies the conditions necessary to establish its authenticity.</li> <li>2. A party applying for a declaration of enforceability shall also produce the certificate referred to in Article 54, without prejudice to Article 55.</li> </ol>
	<p>[See also Article 54]</p>	<p><b>Article 53</b> The court of origin shall, at the request of any interested party, issue the certificate using the form set out in Annex I.</p> <p><b>Article 54</b></p> <ol style="list-style-type: none"> <li>1. If a judgment contains a measure or an order which is not known in the law of the Member State addressed, that measure or order shall, to the extent possible, be adapted to a measure or an order known in the law of that Member State which has equivalent effects attached to it and which pursues similar aims and interests. Such adaptation shall not result in effects going beyond those provided for in the law of the Member State of origin.</li> <li>2. Any party may challenge the adaptation of the measure or order before a court.</li> <li>3. If necessary, the party invoking the judgment or seeking its enforcement may be required to provide a translation or a transliteration of the judgment.</li> </ol>		
<p>[See also Article 43]</p>	<p>[See also Article 49]</p>	<p><b>Article 55</b> A judgment given in a Member State which orders a payment by way of a penalty shall be enforceable in the Member State addressed only if the amount of the payment has been</p>	<p>[See also Article 43]</p>	<p>[See also Article 49]</p>

<sup>42</sup> Point 2 as amended by Article 22 of the 1978 Accession Convention.

<p>[See also Article 45]</p>	<p>[See also Article 51]</p>	<p>finally determined by the court of origin.</p> <p><b>Article 56</b> No security, bond or deposit, however described, shall be required of a party who in one Member State applies for the enforcement of a judgment given in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State addressed.</p>	<p>[See also Article 45]</p>	<p>[See also Article 51]</p>
<p><b>Article 47</b> A party applying for enforcement shall also produce:</p> <ol style="list-style-type: none"> <li>documents which establish that, according to the law of the State of origin the judgment is enforceable and has been served;</li> <li>where appropriate, a document showing that the applicant is in receipt of legal aid in the State of origin.</li> </ol>	<p>[Cf Article 53.2]</p>	<p>[Cf Article 42.1]</p>	<p><b>Article 47</b> A party applying for enforcement shall also produce:</p> <ol style="list-style-type: none"> <li>documents which establish that, according to the law of the State of origin, the judgment is enforceable and has been served;</li> <li>where appropriate, a document showing that the applicant is in receipt of legal aid in the State of origin.</li> </ol>	<p>[Cf Article 53.2]</p>
	<p><b>Article 54</b> The court or competent authority of a Member State where a judgment was given shall issue, at the request of any interested party, a certificate using the standard form in Annex V to this Regulation.</p>	<p>[Article 53 The court of origin shall, at the request of any interested party, issue the certificate using the form set out in Annex I.]</p>		<p><b>Article 54</b> The court or competent authority of a State bound by this Convention where a judgment was given shall issue, at the request of any interested party, a certificate using the standard form in Annex V to this Convention.</p>
<p><b>Article 48</b> If the documents specified in point 2 of Articles 46 and 47 are not produced, the court may specify a time for their production, accept equivalent documents or, if it considers that it has sufficient information before it, dispense with their production.</p> <p>If the court so requires, a translation of the documents shall be produced; the translation shall be certified by a person qualified to do so in one of the Contracting States.</p>	<p><b>Article 55</b></p> <ol style="list-style-type: none"> <li>If the certificate referred to in Article 54 is not produced, the court or competent authority may specify a time for its production or accept an equivalent document or, if it considers that it has sufficient information before it, dispense with its production.</li> <li>If the court or competent authority so requires, a translation of the documents shall be produced. The translation shall be certified by a person qualified to do so in one of the Member States.</li> </ol>	<p>[Cf Article 37.2 The court or authority before which a judgment given in another Member State is invoked may, where necessary, require the party invoking it to provide, in accordance with Article 57, a translation or a transliteration of the contents of the certificate referred to in point (b) of paragraph 1. The court or authority may require the party to provide a translation of the judgment instead of a translation of the contents of the certificate if it is unable to proceed without such a translation.]</p>	<p><b>Article 48</b> If the documents specified in Articles 46 (2) and 47 (2) are not produced, the court may specify a time for their production, accept equivalent documents or, if it considers that it has sufficient information before it, dispense with their production.</p> <p>If the court so requires, a translation of the documents shall be produced; the translation shall be certified by a person qualified to do so in one of the Contracting States.</p>	<p><b>Article 55</b></p> <ol style="list-style-type: none"> <li>If the certificate referred to in Article 54 is not produced, the court or competent authority may specify a time for its production or accept an equivalent document or, if it considers that it has sufficient information before it, dispense with its production.</li> <li>If the court or competent authority so requires, a translation of the documents shall be produced. The translation shall be certified by a person qualified to do so in one of the States bound by this Convention.</li> </ol>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
		<p><b>Article 57</b></p> <ol style="list-style-type: none"> <li>1. When a translation or a transliteration is required under this Regulation, such translation or transliteration shall be into the official language of the Member State concerned or, where there are several official languages in that Member State, into the official language or one of the official languages of court proceedings of the place where a judgment given in another Member State is invoked or an application is made, in accordance with the law of that Member State.</li> <li>2. For the purposes of the forms referred to in Articles 53 and 60, translations or transliterations may also be into any other official language or languages of the institutions of the Union that the Member State concerned has indicated it can accept.</li> <li>3. Any translation made under this Regulation shall be done by a person qualified to do translations in one of the Member States.</li> </ol>		
<p><b>Article 49</b></p> <p>No legalization or other similar formality shall be required in respect of the documents referred to in Articles 46 or 47 or the second paragraph of Article 48, or in respect of a document appointing a representative ad litem.</p>	<p><b>Article 56</b></p> <p>No legalisation or other similar formality shall be required in respect of the documents referred to in Article 53 or Article 55(2), or in respect of a document appointing a representative ad litem.</p>	<p>[<b>Article 61</b></p> <p>No legalisation or other similar formality shall be required for documents issued in a Member State in the context of this Regulation.]</p>	<p><b>Article 49</b></p> <p>No legalization or other similar formality shall be required in respect of the documents referred to in Articles 46 or 47 or the second paragraph of Article 48, or in respect of a document appointing a representative ad litem.</p>	<p><b>Article 56</b></p> <p>No legalisation or other similar formality shall be required in respect of the documents referred to in Article 53 or Article 55(2), or in respect of a document appointing a representative ad litem.</p>
<p><b>TITLE IV</b> <b>AUTHENTIC INSTRUMENTS</b> <b>AND COURT</b> <b>SETTLEMENTS</b></p>	<p><b>CHAPTER IV</b> <b>AUTHENTIC INSTRUMENTS AND COURT SETTLEMENTS</b></p>		<p><b>TITLE IV:</b> <b>AUTHENTIC INSTRUMENTS</b> <b>AND COURT SETTLEMENTS</b></p>	
<p><b>Article 50</b></p> <p>A document which has been formally drawn up or registered as an authentic instrument and is enforceable in one Contracting State shall, in another Contracting State, be declared enforceable there, on application made in accordance with the procedures provided for in Article 31 et seq. The application may be refused only if enforcement of the instrument is contrary to public policy in the State addressed<sup>(43)</sup>. The instrument produced must satisfy the conditions necessary to establish its</p>	<p><b>Article 57</b></p> <ol style="list-style-type: none"> <li>1. A document which has been formally drawn up or registered as an authentic instrument and is enforceable in one Member State shall, in another Member State, be declared enforceable there, on application made in accordance with the procedures provided for in Articles 38, et seq. The court with which an appeal is lodged under Article 43 or Article 44 shall refuse or revoke a declaration of enforceability only if enforcement of the instrument is manifestly contrary to</li> </ol>	<p><b>Article 58</b></p> <ol style="list-style-type: none"> <li>1. An authentic instrument which is enforceable in the Member State of origin shall be enforceable in the other Member States without any declaration of enforceability being required. Enforcement of the authentic instrument may be refused only if such enforcement is manifestly contrary to public policy (ordre public) in the Member State addressed. The provisions of Section 2, Subsection 2 of Section 3, and Section 4 of Chapter III</li> </ol>	<p><b>Article 50</b></p> <p>A document which has been formally drawn up or registered as an authentic instrument and is enforceable in one Contracting State shall, in another Contracting State, be declared enforceable there, on application made in accordance with the procedures provided for in Articles 31 et seq. The application may be refused only if enforcement of the instrument is contrary to public policy in the State addressed.</p>	<p><b>Article 57</b></p> <ol style="list-style-type: none"> <li>1. A document which has been formally drawn up or registered as an authentic instrument and is enforceable in one State bound by this Convention shall, in another State bound by this Convention, be declared enforceable there, on application made in accordance with the procedures provided for in Article 38, et seq. The court with which an appeal is lodged under Article 43 or Article 44 shall refuse or revoke a declaration of</li> </ol>

<sup>43</sup> First paragraph as amended by Article 14 of the 1989 Accession Convention.

<p>authenticity in the State of origin. The provisions of Section 3 of Title III shall apply as appropriate.</p> <p><b>[See also Article Ve Protocol]</b></p>	<p>public policy in the Member State addressed.</p> <p>2. Arrangements relating to maintenance obligations concluded with administrative authorities or authenticated by them shall also be regarded as authentic instruments within the meaning of paragraph 1.</p> <p>3. The instrument produced must satisfy the conditions necessary to establish its authenticity in the Member State of origin.</p> <p>4. Section 3 of Chapter III shall apply as appropriate. The competent authority of a Member State where an authentic instrument was drawn up or registered shall issue, at the request of any interested party, a certificate using the standard form in Annex VI to this Regulation.</p>	<p>shall apply as appropriate to authentic instruments.</p> <p><b>[See also Article 2 (c)]</b></p> <p>2. The authentic instrument produced must satisfy the conditions necessary to establish its authenticity in the Member State of origin.</p> <p><b>[Article 60]</b> The competent authority or court of the Member State of origin shall, at the request of any interested party, issue the certificate using the form set out in Annex II containing a summary of the enforceable obligation recorded in the authentic instrument or of the agreement between the parties recorded in the court settlement.]</p>	<p><b>[See also Article Ve Protocol I]</b></p> <p>The instrument produced must satisfy the conditions necessary to establish its authenticity in the State of origin.</p> <p>The provisions of Section 3 of Title III shall apply as appropriate.</p>	<p>enforceability only if enforcement of the instrument is manifestly contrary to public policy in the State addressed.</p> <p>2. Arrangements relating to maintenance obligations concluded with administrative authorities or authenticated by them shall also be regarded as authentic instruments within the meaning of paragraph 1.</p> <p>3. The instrument produced must satisfy the conditions necessary to establish its authenticity in the State of origin.</p> <p>4. Section 3 of Title III shall apply as appropriate. The competent authority of a State bound by this Convention where an authentic instrument was drawn up or registered shall issue, at the request of any interested party, a certificate using the standard form in Annex VI to this Convention.</p>
<p><b>Article 51</b> A settlement which has been approved by a court in the course of proceedings and is enforceable in the State in which it was concluded shall be enforceable in the State addressed under the same conditions as authentic instruments.</p>	<p><b>Article 58</b> A settlement which has been approved by a court in the course of proceedings and is enforceable in the Member State in which it was concluded shall be enforceable in the State addressed under the same conditions as authentic instruments.</p> <p>The court or competent authority of a Member State where a court settlement was approved shall issue, at the request of any interested party, a certificate using the standard form in Annex V to this Regulation.</p>	<p><b>Article 59</b> A court settlement which is enforceable in the Member State of origin shall be enforced in the other Member States under the same conditions as authentic instruments.</p> <p><b>Article 60</b> The competent authority or court of the Member State of origin shall, at the request of any interested party, issue the certificate using the form set out in Annex II containing a summary of the enforceable obligation recorded in the authentic instrument or of the agreement between the parties recorded in the court settlement.</p>	<p><b>Article 51</b> A settlement which has been approved by a court in the course of proceedings and is enforceable in the State in which it was concluded shall be enforceable in the State addressed under the same conditions as authentic instruments.</p>	<p><b>Article 58</b> A settlement which has been approved by a court in the course of proceedings and is enforceable in the State bound by this Convention in which it was concluded shall be enforceable in the State addressed under the same conditions as authentic instruments.</p> <p>The court or competent authority of a State bound by this Convention where a court settlement was approved shall issue, at the request of any interested party, a certificate using the standard form in Annex V to this Convention.</p>
<p><b>TITLE V GENERAL PROVISIONS</b></p>	<p><b>CHAPTER V GENERAL PROVISIONS</b></p>		<p><b>TITLE V: GENERAL PROVISIONS</b></p>	
<p><b>[See also Article 49]</b></p>	<p><b>[See also Article 56]</b></p>	<p><b>Article 61</b> No legalisation or other similar formality shall be required for documents issued in a Member State in the context of this Regulation.</p>	<p><b>[See also Article 49]</b></p>	<p><b>[See also Article 56]</b></p>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p><b>Article 52</b></p> <p>In order to determine whether a party is domiciled in the Contracting State whose courts are seised of a matter, the Court shall apply its internal law.</p> <p>If a party is not domiciled in the State whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another Contracting State, the court shall apply the law of that State.</p> <p>... <sup>(44)</sup></p>	<p><b>Article 59</b></p> <p>1. In order to determine whether a party is domiciled in the Member State whose courts are seised of a matter, the court shall apply its internal law.</p> <p>2. If a party is not domiciled in the Member State whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another Member State, the court shall apply the law of that Member State.</p>	<p><b>Article 62</b></p> <p>1. In order to determine whether a party is domiciled in the Member State whose courts are seised of a matter, the court shall apply its internal law.</p> <p>2. If a party is not domiciled in the Member State whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another Member State, the court shall apply the law of that Member State.</p>	<p><b>Article 52</b></p> <p>In order to determine whether a party is domiciled in the Contracting State whose courts are seised of a matter, the Court shall apply its internal law.</p> <p>If a party is not domiciled in the State whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another Contracting State, the court shall apply the law of that State.</p>	<p><b>Article 59</b></p> <p>1. In order to determine whether a party is domiciled in the State bound by this Convention whose courts are seised of a matter, the court shall apply its internal law.</p> <p>2. If a party is not domiciled in the State whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another State bound by this Convention, the court shall apply the law of that State.</p>
<p><b>Article 53</b></p> <p>For the purposes of this Convention, the seat of a company or other legal person or association of natural or legal persons shall be treated as its domicile.</p> <p>However, in order to determine that seat, the court shall apply its rules of private international law.</p> <p>In order to determine whether a trust is domiciled in the Contracting State whose courts are seised of the matter, the court shall apply its rules of private international law <sup>(45)</sup>.</p>	<p><b>Article 60</b></p> <p>1. For the purposes of this Regulation, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its:</p> <p>a) statutory seat, or</p> <p>b) central administration, or</p> <p>c) principal place of business.</p> <p>2. For the purposes of the United Kingdom and Ireland ‘statutory seat’ means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.</p> <p>3. In order to determine whether a trust is domiciled in the Member State whose courts are seised of the matter, the court shall apply its rules of private international law.</p>	<p><b>Article 63</b></p> <p>1. For the purposes of this Regulation, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its:</p> <p>a) statutory seat;</p> <p>b) central administration; or</p> <p>c) principal place of business.</p> <p>2. For the purposes of Ireland, Cyprus and the United Kingdom, ‘statutory seat’ means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.</p> <p>3. In order to determine whether a trust is domiciled in the Member State whose courts are seised of the matter, the court shall apply its rules of private international law.</p>	<p><b>Article 53</b></p> <p>For the purposes of this Convention, the seat of a company or other legal person or association of natural or legal persons shall be treated as its domicile.</p> <p>However, in order to determine that seat, the court shall apply its rules of private international law.</p> <p>In order to determine whether a trust is domiciled in the Contracting State whose courts are seised of the matter, the court shall apply its rules of private international law.</p>	<p><b>Article 60</b></p> <p>1. For the purposes of this Convention, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its:</p> <p>a) statutory seat;</p> <p>d) central administration; or</p> <p>b) principal place of business.</p> <p>2. For the purposes of the United Kingdom and Ireland ‘statutory seat’ means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.</p> <p>3. In order to determine whether a trust is domiciled in the State bound by this Convention whose courts are seised of the matter, the court shall apply its rules of private international law.</p>
<p><b>[See also Article II Protocol]</b></p>	<p><b>Article 61</b></p> <p>Without prejudice to any more favourable provisions of national laws, persons domiciled in a Member State who are being prosecuted in the criminal courts of another Member State of which they are not nationals for an offence which was not intentionally committed may be defended by persons qualified to do so, even if they do not appear in person. However, the court seised of the matter may order appearance in person; in the case of failure to appear, a judgment given in the civil action without the person concerned having had the opportunity to arrange for his defence need not</p>	<p><b>Article 64</b></p> <p>Without prejudice to any more favourable provisions of national laws, persons domiciled in a Member State who are being prosecuted in the criminal courts of another Member State of which they are not nationals for an offence which was not intentionally committed may be defended by persons qualified to do so, even if they do not appear in person. However, the court seised of the matter may order appearance in person; in the case of failure to appear, a judgment given in the civil action without the person concerned having had the opportunity to arrange for his defence need not</p>	<p><b>[See also Article II Protocol I]</b></p>	<p><b>Article 61</b></p> <p>Without prejudice to any more favourable provisions of national laws, persons domiciled in a State bound by this Convention who are being prosecuted in the criminal courts of another State bound by this Convention of which they are not nationals for an offence which was not intentionally committed may be defended by persons qualified to do so, even if they do not appear in person. However, the court seised of the matter may order appearance in person; in the case of failure to appear, a judgment given in the civil action without</p>

<sup>44</sup> Third paragraph deleted by Article 15 of the 1989 Accession Convention.

<sup>45</sup> Second subparagraph added by Article 23 of the 1978 Accession Convention.

	be recognised or enforced in the other Member States.	be recognised or enforced in the other Member States.		the person concerned having had the opportunity to arrange for his defence need not be recognised or enforced in the other States bound by this Convention.
<b>[See also Article Va Protocol]</b>	<p><b>Article 62</b> In Sweden, in summary proceedings concerning orders to pay (<i>betalningsföreläggande</i>) and assistance (<i>handräckning</i>), the expression ‘court’ includes the ‘Swedish enforcement service’ (<i>kronofogdemyndighet</i>).</p>	<p><b>[Article 3</b> For the purposes of this Regulation, ‘court’ includes the following authorities to the extent that they have jurisdiction in matters falling within the scope of this Regulation: a) in Hungary, in summary proceedings concerning orders to pay (<i>fizetési meghagyásos eljárás</i>), the notary (<i>közjegyző</i>); b) in Sweden, in summary proceedings concerning orders to pay (<i>betalningsföreläggande</i>) and assistance (<i>handräckning</i>), the Enforcement Authority (<i>Kronofogdemyndigheten</i>).]</p>		<p><b>Article 62</b> For the purposes of this Convention, the expression ‘court’ shall include any authorities designated by a State bound by this Convention as having jurisdiction in the matters falling within the scope of this Convention.</p>
<b>[Cf Article I, subparagraph 1 Protocol]</b>	<p><b>Article 63</b></p> <ol style="list-style-type: none"> <li>1. A person domiciled in the territory of the Grand Duchy of Luxembourg and sued in the court of another Member State pursuant to Article 5(1) may refuse to submit to the jurisdiction of that court if the final place of delivery of the goods or provision of the services is in Luxembourg.</li> <li>2. Where, under paragraph 1, the final place of delivery of the goods or provision of the services is in Luxembourg, any agreement conferring jurisdiction must, in order to be valid, be accepted in writing or evidenced in writing within the meaning of Article 23(1)(a).</li> <li>3. The provisions of this Article shall not apply to contracts for the provision of financial services.</li> <li>4. The provisions of this Article shall apply for a period of six years from entry into force of this Regulation.</li> </ol>		<b>[Cf Article I, subparagraph 1 Protocol I]</b>	
<b>[Cf Article Vb Protocol]</b>	<p><b>Article 64</b></p> <ol style="list-style-type: none"> <li>1. In proceedings involving a dispute between the master and a member of the crew of a seagoing ship registered in Greece or in Portugal, concerning</li> </ol>		<b>[Cf Article Vb Protocol I]</b>	

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
	<p>remuneration or other conditions of service, a court in a Member State shall establish whether the diplomatic or consular officer responsible for the ship has been notified of the dispute. It may act as soon as that officer has been notified.</p> <p>2. The provisions of this Article shall apply for a period of six years from entry into force of this Regulation.</p>			
[See also Article V Protocol]	<p><b>Article 65</b></p> <p>1. The jurisdiction specified in Article 6(2) and Article 11 in actions on a warranty of guarantee or in any other third party proceedings may not be resorted to Germany, Austria and Hungary. Any person domiciled in another Member State may be sued in the courts:</p> <p>a) of Germany, pursuant to Articles 68 and 72 to 74 of the Code of Civil Procedure (<i>Zivilprozessordnung</i>) concerning third-party notices;</p> <p>b) of Austria, pursuant to Article 21 of the Code of Civil Procedure (<i>Zivilprozessordnung</i>) concerning third-party notices;</p> <p>c) of Hungary, pursuant to Articles 58 to 60 of the Code of Civil Procedure (<i>Polgári perrendtartás</i>) concerning third-party notices.</p> <p>2. Judgments given in other Member States by virtue of Article 6(2), or Article 11 shall be recognised and enforced in Germany, Austria and Hungary in accordance with Chapter III. Any effects which judgments given in these States may have on third parties by application of the provisions in paragraph 1 shall also be recognised in the other Member States.</p>	<p><b>Article 65</b></p> <p>1. The jurisdiction specified in point 2 of Article 8 and Article 13 in actions on a warranty or guarantee or in any other third-party proceedings may be resorted to in the Member States included in the list established by the Commission pursuant to point (b) of Article 76(1) and Article 76(2) only in so far as permitted under national law. A person domiciled in another Member State may be invited to join the proceedings before the courts of those Member States pursuant to the rules on third-party notice referred to in that list.</p> <p>2. Judgments given in a Member State by virtue of point 2 of Article 8 or Article 13 shall be recognised and enforced in accordance with Chapter III in any other Member State. Any effects which judgments given in the Member States included in the list referred to in paragraph 1 may have, in accordance with the law of those Member States, on third parties by application of paragraph 1 shall be recognised in all Member States.</p> <p>3. The Member States included in the list referred to in paragraph 1 shall, within the framework of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC<sup>(46)</sup> ('the European Judicial Network') provide information on how to determine, in accordance with their</p>	[See also Article V Protocol I]	[See also Article II Protocol I]

<sup>46</sup> OJ L 174, 27.6.2001, p. 25.

		national law, the effects of the judgments referred to in the second sentence of paragraph 2.		
<b>TITLE VI TRANSITIONAL PROVISIONS</b>	<b>CHAPTER VI TRANSITIONAL PROVISIONS</b>		<b>TITLE VI: TRANSITIONAL PROVISIONS</b>	
<p><b>Article 54<sup>(47)</sup></b> The provisions of the Convention shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after its entry into force in the State of origin and, where recognition or enforcement of a judgment or authentic instruments is sought, in the State addressed.</p> <p>However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III if jurisdiction was founded upon rules which accorded with those provided for either in Title II of this Convention or in a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted <sup>(48)</sup>.</p>	<p><b>Article 66</b></p> <ol style="list-style-type: none"> <li>1. This Regulation shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after the entry into force thereof.</li> <li>2. However, if the proceedings in the Member State of origin were instituted before the entry into force of this Regulation, judgments given after that date shall be recognised and enforced in accordance with Chapter III,             <ol style="list-style-type: none"> <li>a) if the proceedings in the Member State of origin were instituted after the entry into force of the Brussels or the Lugano Convention both in the Member State of origin and in the Member State addressed</li> </ol> </li> </ol>	<p><b>Article 66</b></p> <ol style="list-style-type: none"> <li>1. This Regulation shall apply only to legal proceedings instituted, to authentic instruments formally drawn up or registered and to court settlements approved or concluded on or after 10 January 2015.</li> </ol>	<p><b>Article 54</b></p> <p>The provisions of this Convention shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after its entry into force in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.</p> <p>However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III if jurisdiction was founded upon rules which accorded with those provided for either in Title II of this Convention or in a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.</p>	<p><b>Article 63</b></p> <ol style="list-style-type: none"> <li>1. This Convention shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after its entry into force in the State of origin and, where recognition or enforcement of a judgment or authentic instruments is sought, in the State addressed.</li> <li>2. However, if the proceedings in the State of origin were instituted before the entry into force of this Convention, judgments given after that date shall be recognised and enforced in accordance with Title III:             <ol style="list-style-type: none"> <li>a) if the proceedings in the State of origin were instituted after the entry into force of the Lugano Convention of 16 September 1988 both in the State of origin and in the State addressed;</li> </ol> </li> </ol>

<sup>47</sup> Text as replaced by Article 16 of the 1989 Accession Convention.

<sup>48</sup> Title V of the 1978 Accession Convention contains the following transitional provisions:

‘Article 34

1. The 1968 Convention and the 1971 Protocol, with the amendments made by this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.
2. However, as between the six Contracting States to the 1968 Convention, judgments given after the date of entry into force of this Convention in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention as amended.
3. Moreover, as between the six Contracting States to the 1968 Convention and the three States mentioned in Article 1 of this Convention, and as between those three States, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall also be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention as amended if jurisdiction was founded upon rules which accorded with the provisions of Title II, as amended, or with provisions of a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.’

Title V of the 1982 Accession Convention contains the following transitional provisions:

‘Article 12

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.
2. However, as between the State of origin and the State addressed, judgments given after the date of entry into force of this Convention in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention, and by this Convention if jurisdiction was founded upon rules which accorded with the provisions of Title II, as amended by the 1968 Convention or with provisions of a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.’

Title VI of the 1989 Accession Convention contains the following transitional provisions:

‘Article 29

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention, the 1982 Convention and this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>If the parties to a dispute concerning a contract had agreed in writing before 1 June 1988 for Ireland or before 1 January 1987 for the United Kingdom that the contract was to be governed by the law of Ireland or of a part of the United Kingdom, the courts of Ireland or of that part of the United Kingdom shall retain the right to exercise jurisdiction in the dispute<sup>(49)</sup>.</p> <p><b>Article 54a</b> <sup>(50)</sup> [...]<sup>51</sup></p>	<p>b) in all other cases, if jurisdiction was founded upon rules which accorded with those provided for either in Chapter II or in a convention concluded between the Member State of origin and the Member State addressed which was in force when the proceedings were instituted.</p>	<p>2. Notwithstanding Article 80, Regulation (EC) No 44/2001 shall continue to apply to judgments given in legal proceedings instituted, to authentic instruments formally drawn up or registered and to court settlements approved or concluded before 10 January 2015 which fall within the scope of that Regulation.</p>	<p>If the parties to a dispute concerning a contract had agreed in writing before the entry into force of this Convention that the contract was to be governed by the law of Ireland or of a part of the United Kingdom, the courts of Ireland or of that part of the United Kingdom shall retain the right to exercise jurisdiction in the dispute.</p> <p><b>Article 54A</b> (pointless)</p>	<p>b) in all other cases, if jurisdiction was founded upon rules which accorded with those provided for either in Title II or in a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.</p>
<p><b>TITLE VII RELATIONSHIP TO OTHER CONVENTIONS</b></p>	<p><b>CHAPTER VII RELATIONS WITH OTHER INSTRUMENTS</b></p>		<p><b>TITLE VII: RELATIONSHIP TO THE BRUSSELS CONVENTION AND TO OTHER CONVENTIONS</b></p>	<p><b>TITLE VII: RELATIONSHIP TO COUNCIL REGULATION (EC) No 44/2001 AND OTHER INSTRUMENTS</b></p>
	<p><b>Article 67</b> This Regulation shall not prejudice the application of provisions governing jurisdiction and the recognition and enforcement of judgments in specific matters which are contained in Community instruments</p>	<p><b>Article 67</b> This Regulation shall not prejudice the application of provisions governing jurisdiction and the recognition and enforcement of judgments in specific matters which are contained in instruments of the</p>	<p><b>Article 54B</b> 1. This Convention shall not prejudice the application by the Member States of the European Communities of the Convention on Jurisdiction and the Enforcement of Judgments in Civil and</p>	<p><b>Article 64</b> 1. This Convention shall not prejudice the application by the Member States of the European Community of the Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and</p>

2. However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention, the 1982 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II of the 1968 Convention, as amended, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.<sup>7</sup>

Title V of the 1996 Accession Convention contains the following transitional provisions:

*Article 13*

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention, the 1982 Convention, the 1989 Convention and by this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2. However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention, the 1982 Convention, the 1989 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II, as amended, of the 1968 Convention, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.<sup>7</sup>

<sup>49</sup> This paragraph replaces Article 35 of Title V of the 1978 Accession Convention which was extended to the Hellenic Republic by Article 1 (2) of the 1982 Accession Convention. Article 28 of the 1989 Accession Convention provided for the deletion of both these provisions.

<sup>50</sup> Article added by Article 17 of the 1989 Accession Convention. It corresponds to Article 36 of Title V of the 1978 Accession Convention which was extended to the Hellenic Republic by Article 1 (2) of the 1982 Accession Convention. Article 28 of the 1989 Accession Convention provided for the deletion of both these provisions.

<sup>51</sup> See [list](#) under Article 54a.

	<p>or in national legislation harmonised pursuant to such instruments.</p>	<p>Union or in national legislation harmonised pursuant to such instruments.</p>	<p>Commercial Matters, signed at Brussels on 27 September 1968 and of the Protocol on interpretation of that Convention by the Court of Justice, signed at Luxembourg on 3 June 1971, as amended by the Conventions of Accession to the said Convention and the said Protocol by the States acceding to the European Communities, all of these Conventions and the Protocol being hereinafter referred to as the 'Brussels Convention'.</p> <p>2. However, this Convention shall in any event be applied:</p> <p>a) in matters of jurisdiction, where the defendant is domiciled in the territory of a Contracting State which is not a member of the European Communities, or where Article 16 or 17 of this Convention confer a jurisdiction on the courts of such a Contracting State;</p> <p>b) in relation to a lis pendens or to related actions as provided for in Articles 21 and 22, when proceedings are instituted in a Contracting State which is not a member of the European Communities and in a Contracting State which is a member of the European Communities;</p> <p>c) in matters of recognition and enforcement, where either the State of origin or the State addressed is not a</p>	<p>enforcement of judgments in civil and commercial matters, as well as any amendments thereof, of the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, signed at Brussels on 27 September 1968, and of the Protocol on interpretation of that Convention by the Court of Justice of the European Communities, signed at Luxembourg on 3 June 1971, as amended by the Conventions of Accession to the said Convention and the said Protocol by the States acceding to the European Communities, as well as of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed at Brussels on 19 October 2005.</p> <p>2. However, this Convention shall in any event be applied:</p> <p>a) in matters of jurisdiction, where the defendant is domiciled in the territory of a State where this Convention but not an instrument referred to in paragraph 1 of this Article applies, or where Articles 22 or 23 of this Convention confer jurisdiction on the courts of such a State;</p> <p>b) in relation to lis pendens or to related actions as provided for in Articles 27 and 28, when proceedings are instituted in a State where the Convention but not an instrument referred to in paragraph 1 of this Article applies and in a State where this Convention as well as an instrument referred to in paragraph 1 of this Article apply;</p> <p>c) in matters of recognition and enforcement, where either the State of origin or the State addressed is not applying an instrument referred to in paragraph 1 of this Article.</p> <p>3. In addition to the grounds provided for in Title III, recognition or enforcement may be refused if the ground of</p>
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Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
			<p>member of the European Communities.</p> <p>3. In addition to the grounds provided for in Title III recognition or enforcement may be refused if the ground of jurisdiction on which the judgment has been based differs from that resulting from this Convention and recognition or enforcement is sought against a party who is domiciled in a Contracting State which is not a member of the European Communities, unless the judgment may otherwise be recognized or enforced under any rule of law in the State addressed.</p>	<p>jurisdiction on which the judgment has been based differs from that resulting from this Convention and recognition or enforcement is sought against a party who is domiciled in a State where this Convention but not an instrument referred to in paragraph 1 of this Article applies, unless the judgment may otherwise be recognised or enforced under any rule of law in the State addressed.</p>
<p><b>Article 55</b> Subject to the provisions of the second subparagraph of Article 54, and of Article 56, this Convention shall, for the States which are parties to it, supersede the following conventions concluded between two or more of them:  — [...] <sup>52</sup></p>	<p><b>Article 68</b> 1. This Regulation shall, as between the Member States, supersede the Brussels Convention, except as regards the territories of the Member States which fall within the territorial scope of that Convention and which are excluded from this Regulation pursuant to Article 299 of the Treaty.</p> <p>2. In so far as this Regulation replaces the provisions of the Brussels Convention between Member States, any reference to the Convention shall be understood as a reference to this Regulation.</p> <p><b>Article 69</b> Subject to Article 66(2) and Article 70, this Regulation shall, as between Member States, supersede the following conventions and treaty concluded between two or more of them: - [...] <sup>53</sup></p>	<p><b>Article 68</b> 1. This Regulation shall, as between the Member States, supersede the 1968 Brussels Convention, except as regards the territories of the Member States which fall within the territorial scope of that Convention and which are excluded from this Regulation pursuant to Article 355 of the TFEU.</p> <p>2. In so far as this Regulation replaces the provisions of the 1968 Brussels Convention between the Member States, any reference to that Convention shall be understood as a reference to this Regulation.</p> <p><b>Article 69</b> Subject to Articles 70 and 71, this Regulation shall, as between the Member States, supersede the conventions that cover the same matters as those to which this Regulation applies. In particular, the conventions included in the list established by the Commission pursuant to point (c) of Article 76(1) and Article 76(2) shall be superseded.</p>	<p><b>Article 55</b> Subject to the provisions of Articles 54 (2) and 56, this Convention shall, for the States which are parties to it, supersede the following conventions concluded between two or more of them:  – [...] <sup>54</sup></p>	<p><b>Article 65</b> Subject to the provisions of Articles 63(2), 66 and 67, this Convention shall, as between the States bound by this Convention, supersede the conventions concluded between two or more of them that cover the same matters as those to which this Convention applies. In particular, the conventions mentioned in Annex VII shall be superseded.</p>
<p><b>Article 56</b> The Treaty and the conventions referred to in Article 55 shall continue to have effect in relation to matters to which this Convention does not apply.</p>	<p><b>Article 70</b> 1. The Treaty and the Conventions referred to in Article 69 shall continue to have effect in relation to matters to which this Regulation does not apply.</p>	<p><b>Article 70</b> 1. The conventions referred to in Article 69 shall continue to have effect in relation to matters to which this Regulation does not apply.</p>	<p><b>Article 56</b> The Treaty and the conventions referred to in Article 55 shall continue to have effect in relation to matters to which this Convention does not apply.</p>	<p><b>Article 66</b> 1. The conventions referred to in Article 65 shall continue to have effect in relation to matters to which this Convention does not apply.</p>

<sup>52</sup> See [list](#) of conventions under Article 55.

<sup>53</sup> See [list](#) under Article 69.

<sup>54</sup> See [list](#) under Article 55.

<p>They shall continue to have effect in respect of judgments given and documents formally drawn up or registered as authentic instruments before the entry into force of this Convention.</p>	<p>2. They shall continue to have effect in respect of judgments given and documents formally drawn up or registered as authentic instruments before the entry into force of this Regulation.</p>	<p>2. They shall continue to have effect in respect of judgments given, authentic instruments formally drawn up or registered and court settlements approved or concluded before the date of entry into force of Regulation (EC) No 44/2001.</p>	<p>They shall continue to have effect in respect of judgments given and documents formally drawn up or registered as authentic instruments before the entry into force of this Convention.</p>	<p>2. They shall continue to have effect in respect of judgments given and documents formally drawn up or registered as authentic instruments before the entry into force of this Convention.</p>
<p><b>Article 57</b></p> <p>1. This Convention shall not affect any conventions to which the Contracting States are or will be parties and which in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments <sup>(55)</sup>.</p> <p>2. With a view to its uniform interpretation, paragraph 1 shall be applied in the following manner:</p> <p>a) this Convention shall not prevent a court of a Contracting State which is a party to a convention on a particular matter from assuming jurisdiction in accordance with that Convention, even where the defendant is domiciled in another Contracting State which is not a party to that Convention. The court hearing the action shall, in any event, apply Article 20 of this Convention;</p> <p>b) judgments given in a Contracting State by a court in the exercise of jurisdiction provided for in a convention on a particular matter shall be recognized and enforced in the other Contracting State in accordance with this Convention.</p> <p>3.</p>	<p><b>Article 71</b></p> <p>1. This Regulation shall not affect any conventions to which the Member States are parties and which in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments.</p> <p>2. With a view to its uniform interpretation, paragraph 1 shall be applied in the following manner:</p> <p>a) this Regulation shall not prevent a court of a Member State, which is a party to a convention on a particular matter, from assuming jurisdiction in accordance with that convention, even where the defendant is domiciled in another Member State which is not a party to that convention. The court hearing the action shall, in any event, apply Article 26 of this Regulation;</p> <p>b) judgments given in a Member State by a court in the exercise of jurisdiction provided for in a convention on a particular matter shall be recognised and enforced in the other Member States in accordance with this Regulation..</p>	<p><b>Article 71</b></p> <p>1. This Regulation shall not affect any conventions to which the Member States are parties and which, in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments.</p> <p>2. With a view to its uniform interpretation, paragraph 1 shall be applied in the following manner:</p> <p>a) this Regulation shall not prevent a court of a Member State which is party to a convention on a particular matter from assuming jurisdiction in accordance with that convention, even where the defendant is domiciled in another Member State which is not party to that convention. The court hearing the action shall, in any event, apply Article 28 of this Regulation;</p> <p>b) judgments given in a Member State by a court in the exercise of jurisdiction provided for in a convention on a particular matter shall be recognised and enforced in the other Member States in accordance with this Regulation.</p>	<p><b>Article 57</b></p> <p>1. This Convention shall not affect any conventions to which the Contracting States are or will be parties and which in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments.</p> <p>2. This Convention shall not prevent a court of a Contracting State which is party to a convention referred to in the first paragraph from assuming jurisdiction in accordance with that convention, even where the defendant is domiciled in a Contracting State which is not a party to that convention. The court hearing the action shall, in any event, apply Article 20 of this Convention.</p> <p>3. Judgments given in a Contracting State by a court in the exercise of jurisdiction provided for in a convention referred to in the first paragraph shall be recognized and enforced in the other Contracting States in accordance with Title III of this Convention.</p> <p>4. In addition to the grounds provided for in Title III, recognition or enforcement may be refused if the State addressed is not a contracting party to a convention referred to in the first paragraph and the person against whom recognition or enforcement is sought is domiciled in that State, unless the judgment may otherwise be recognized or enforced under any rule of law in the State addressed.</p>	<p><b>Article 67</b></p> <p>1. This Convention shall not affect any conventions by which the Contracting Parties and/or the States bound by this Convention are bound and which in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments. Without prejudice to obligations resulting from other agreements between certain Contracting Parties, this Convention shall not prevent Contracting Parties from entering into such conventions.</p> <p>2. This Convention shall not prevent a court of a State bound by this Convention and by a convention on a particular matter from assuming jurisdiction in accordance with that convention, even where the defendant is domiciled in another State bound by this Convention which is not a party to that convention. The court hearing the action shall, in any event, apply Article 26 of this Convention.</p> <p>3. Judgments given in a State bound by this Convention by a court in the exercise of jurisdiction provided for in a convention on a particular matter shall be recognised and enforced in the other States bound by this Convention in accordance with Title III of this Convention.</p> <p>4. In addition to the grounds provided for in Title III, recognition or enforcement may be refused if the State addressed is not bound by the convention on a particular matter and the person against whom recognition or enforcement is sought is domiciled in that State, or, if the State addressed is a Member State of the European Community and in respect of conventions which would have to be concluded by the European</p>

<sup>55</sup> First paragraph as amended by Article 25 (1) of the 1978 Accession Convention and by Article 19 of the 1989 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p>Where a convention on a particular matter to which both the State of origin and the State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Convention which concern the procedure for recognition and enforcement of judgments may be applied <sup>(56)</sup>.</p> <p>4. This Convention shall not affect the application of provisions which, in relation to particular matters, govern jurisdiction or the recognition or enforcement of judgments and which are or will be contained in acts of the institutions of the European Communities or in national laws harmonized in implementation of such acts <sup>(57)</sup>.</p>	<p>Where a convention on a particular matter to which both the Member State of origin and the Member State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Regulation which concern the procedure for recognition and enforcement of judgments may be applied.</p>	<p>Where a convention on a particular matter to which both the Member State of origin and the Member State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Regulation on recognition and enforcement of judgments may be applied.</p>	<p>5. Where a convention referred to in the first paragraph to which both the State of origin and the State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Convention which concern the procedures for recognition and enforcement of judgments may be applied.</p>	<p>5. Community, in any of its Member States, unless the judgment may otherwise be recognised or enforced under any rule of law in the State addressed.</p> <p>6. Where a convention on a particular matter to which both the State of origin and the State addressed are parties lays down conditions for the recognition or enforcement of judgments, those conditions shall apply. In any event, the provisions of this Convention which concern the procedures for recognition and enforcement of judgments may be applied.</p>
		<p><b>Article 71a</b><sup>58</sup></p> <p>1. For the purposes of this Regulation, a court common to several Member States as specified in paragraph 2 (a “common court”) shall be deemed to be a court of a Member State when, pursuant to the instrument establishing it, such a common court exercises jurisdiction in matters falling within the scope of this Regulation.</p> <p>2. For the purposes of this Regulation, each of the following courts shall be a common court :</p> <p>(a) the Unified Patent Court established by the Agreement on a Unified Patent Court signed on 19 February 2013 (the “UPC Agreement”); and</p> <p>(b) the Benelux Court of Justice established by the Treaty of 31 March 1965 concerning the establishment and statute of a Benelux Court of Justice (the</p>		

<sup>56</sup> Paragraph 2 added by Article 19 of the 1989 Accession Convention. This paragraph corresponds to Article 25 (2) of the 1978 Accession Convention which was extended to the Hellenic Republic by Article 1 (2) of the 1982 Accession Convention. Article 28 of the 1989 Accession Convention provided for the deletion of both these provisions.

<sup>57</sup> Paragraph added by Article 25 (1) of the 1978 Accession Convention.

<sup>58</sup> Regulation (EU) [N° 542/2014](#) of the European Parliament and of the Council of 15 May 2014 amending Regulation (EU) N° 1215/2012 as regards the rules to be applied with respect to the Unified Patent Court and the Benelux Court of Justice (OJUE, L163/1, 19.05.2014).

		<p>“Benelux Court of Justice Treaty”).</p> <p><b>Article 71b</b></p> <p>The jurisdiction of a common court shall be determined as follows:</p> <ol style="list-style-type: none"><li>(1) a common court shall have jurisdiction where, under this Regulation, the courts of a Member State party to the instrument establishing the common court would have jurisdiction in a matter governed by that instrument;</li><li>(2) where the defendant is not domiciled in a Member State, and this Regulation does not otherwise confer jurisdiction over him, Chapter II shall apply as appropriate regardless of the defendant's domicile.</li></ol> <p>Application may be made to a common court for provisional, including protective, measures even if the courts of a third State have jurisdiction as to the substance of the matter;</p> <ol style="list-style-type: none"><li>(3) where a common court has jurisdiction over a defendant under point 2 in a dispute relating to an infringement of a European patent giving rise to damage within the Union, that court may also exercise jurisdiction in relation to damage arising outside the Union from such an infringement.</li></ol> <p>Such jurisdiction may only be established if property belonging to the defendant is located in any Member State party to the instrument establishing the common court and the dispute has a sufficient connection with any such Member State.</p> <p><b>Article 71c</b></p> <ol style="list-style-type: none"><li>1. Articles 29 to 32 shall apply where proceedings are brought in a common court and in a court of a Member State not party to the instrument establishing the common court.</li><li>2. Articles 29 to 32 shall apply where, during the transitional period referred to in Article 83 of the UPC Agreement, proceedings are brought in the Unified Patent Court and in a court of a Member State party to the UPC Agreement.</li></ol> <p><b>Article 71d</b></p> <p>This Regulation shall apply to the recognition and enforcement of:</p> <ol style="list-style-type: none"><li>(a) judgments given by a common court which are to be recognised and enforced in a Member State not party to the</li></ol>		
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Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
		<p>instrument establishing the common court ; and</p> <p>(b) judgments given by the courts of a Member State not party to the instrument establishing the common court which are to be recognised and enforced in a Member State party to that instrument.</p> <p>However, where recognition and enforcement of a judgment given by a common court is sought in a Member State party to the instrument establishing the common court, any rules of that instrument on recognition and enforcement shall apply instead of the rules of this Regulation.</p>		
<p><b>Article 58<sup>(59)</sup></b>  Until such time as the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, signed at Lugano on 16 September 1988, takes effect with regard to France and the Swiss Confederation, this Convention shall not affect the rights granted to Swiss nationals by the Convention between France and the Swiss Confederation on jurisdiction and enforcement of judgments in civil matters, signed at Paris on 15 June 1869.</p>			<p><b>Article 58</b>  (none)</p>	
<p><b>Article 59</b>  This Convention shall not prevent a Contracting State from assuming, in a convention on the recognition and enforcement of judgments, an obligation towards a third State not to recognize judgments given in other Contracting States against defendants domiciled or habitually resident in the third State where, in cases provided for in Article 4, the judgment could only be founded on a ground of jurisdiction specified in the second paragraph of Article 3.</p> <p>However, a Contracting State may not assume an obligation towards a third State not to recognize a judgment given in another Contracting State by a court basing its jurisdiction on the presence within that State of property belonging to the defendant, or the</p>	<p><b>Article 72</b>  This Regulation shall not affect agreements by which Member States undertook, prior to the entry into force of this Regulation pursuant to Article 59 of the Brussels Convention, not to recognise judgments given, in particular in other Contracting States to that Convention, against defendants domiciled or habitually resident in a third country where, in cases provided for in Article 4 of that Convention, the judgment could only be founded on a ground of jurisdiction specified in the second paragraph of Article 3 of that Convention.</p>	<p><b>Article 72</b>  This Regulation shall not affect agreements by which Member States, prior to the entry into force of Regulation (EC) No 44/2001, undertook pursuant to Article 59 of the 1968 Brussels Convention not to recognise judgments given, in particular in other Contracting States to that Convention, against defendants domiciled or habitually resident in a third State where, in cases provided for in Article 4 of that Convention, the judgment could only be founded on a ground of jurisdiction specified in the second paragraph of Article 3 of that Convention.</p>	<p><b>Article 59</b>  This Convention shall not prevent a Contracting State from assuming, in a convention on the recognition and enforcement of judgments, an obligation towards a third State not to recognize judgments given in other Contracting States against defendants domiciled or habitually resident in the third State where, in cases provided for in Article 4, the judgment could only be founded on a ground of jurisdiction specified in the second paragraph of Article 3.</p> <p>However, a Contracting State may not assume an obligation towards a third State not to recognize a judgment given in another Contracting State by a court basing its jurisdiction on the presence within that State of property belonging to the defendant, or</p>	<p><b>Article 68</b></p> <ol style="list-style-type: none"> <li>1. This Convention shall not affect agreements by which States bound by this Convention undertook, prior to the entry into force of this Convention, not to recognise judgments given in other States bound by this Convention against defendants domiciled or habitually resident in a third State where, in cases provided for in Article 4, the judgment could only be founded on a ground of jurisdiction as specified in Article 3(2). Without prejudice to obligations resulting from other agreements between certain Contracting Parties, this Convention shall not prevent Contracting Parties from entering into such conventions.</li> <li>2. However, a Contracting Party may not assume an obligation towards a third State not to recognise a judgment given in another State bound by this Convention by a court basing its jurisdiction on the presence within that</li> </ol>

<sup>59</sup> Text as amended by Article 20 of the 1989 Accession Convention.

<p>seizure by the plaintiff of property situated there:</p> <p>1) if the action is brought to assert or declare proprietary or possessory rights in that property, seeks to obtain authority to dispose of it, or arises from another issue relating to such property; or</p> <p>2) if the property constitutes the security for a debt which is the subject-matter of the action <sup>(60)</sup>.</p>			<p>the seizure by the plaintiff of property situated there:</p> <p>1. if the action is brought to assert or declare proprietary or possessory rights in that property, seeks to obtain authority to dispose of it, or arises from another issue relating to such property, or</p> <p>2. if the property constitutes the security for a debt which is the subject-matter of the action.</p>	<p>State of property belonging to the defendant, or the seizure by the plaintiff of property situated there:</p> <p>a) if the action is brought to assert or declare proprietary or possessory rights in that property, seeks to obtain authority to dispose of it, or arises from another issue relating to such property; or</p> <p>b) if the property constitutes the security for a debt which is the subject-matter of the action.</p>
		<p><b>Article 73</b></p> <p>1. This Regulation shall not affect the application of the 2007 Lugano Convention.</p> <p>2. This Regulation shall not affect the application of the 1958 New York Convention.</p> <p>3. This Regulation shall not affect the application of bilateral conventions and agreements between a third State and a Member State concluded before the date of entry into force of Regulation (EC) No 44/2001 which concern matters governed by this Regulation.</p>		
<p><b>TITRE VIII FINAL PROVISIONS</b></p>	<p><b>CHAPTER VIII FINAL PROVISIONS</b></p>	<p><b>TITLE VIII: FINAL PROVISIONS</b></p>		
<p><b>Article 60</b> ...<sup>(61)</sup></p>	<p><b>Article 73</b></p> <p>No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Regulation.</p> <p>The report shall be accompanied, if need be, by proposals for adaptations to this Regulation.</p>	<p><b>[Article 79</b></p> <p>By 11 January 2022 the Commission shall present a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation. That report shall include an evaluation of the possible need for a further extension of the rules on jurisdiction to defendants not domiciled in a Member State, taking into account the operation of this Regulation and possible developments at international level. Where appropriate, the report shall be accompanied by a proposal for amendment of this Regulation.]</p>	<p><b>Article 60</b></p> <p>The following may be parties to this Convention:</p> <p>a) States which, at the time of the opening of this Convention for signature, are members of the European Communities or of the European Free Trade Association;</p> <p>b) States which, after the opening of this Convention for signature, become members of the European Communities or of the European Free Trade Association;</p> <p>c) States invited to accede in accordance</p>	<p><b>Article 69</b></p> <p>1. The Convention shall be open for signature by the European Community, Denmark, and States which, at the time of the opening for signature, are Members of the European Free Trade Association.</p> <p>2. This Convention shall be subject to ratification by the Signatories. The instruments of ratification shall be deposited with the Swiss Federal Council, which shall act as Depositary of this Convention.</p> <p>3. At the time of the ratification, the Contracting Parties may submit</p>

<sup>60</sup> Second subparagraph added by Article 26 of the 1978 Accession Convention.

<sup>61</sup> Article 21 of the 1989 Accession Convention provides for the deletion of Article 60 as amended by Article 27 of the 1978 Convention..

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
<p><b>Article 61<sup>(62)</sup></b>  This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.</p>			<p>with Article 62 (1) (b).</p> <p><b>Article 61</b></p> <ol style="list-style-type: none"> <li>1. This Convention shall be opened for signature by the States members of the European Communities or of the European Free Trade Association.</li> <li>2. The Convention shall be submitted for ratification by the signatory States. The instruments of ratification shall be deposited with the Swiss Federal Council.</li> <li>3. The Convention shall enter into force on the first day of the third month following the date on which two States, of which one is a member of the European Communities and the other a member of the European Free Trade Association, deposit their instruments of ratification.</li> <li>4. The Convention shall take effect in relation to any other signatory State on the first day of the third month following the deposit of its instrument of ratification.</li> </ol>	<p>declarations in accordance with Articles I, II and III of Protocol 1.</p> <ol style="list-style-type: none"> <li>4. The Convention shall enter into force on the first day of the sixth month following the date on which the European Community and a Member of the European Free Trade Association deposit their instruments of ratification.</li> <li>5. The Convention shall enter into force in relation to any other Party on the first day of the third month following the deposit of its instrument of ratification.</li> <li>6. Without prejudice to Article 3(3) of Protocol 2, this Convention shall replace the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters done at Lugano on 16 September 1988 as of the date of its entry into force in accordance with paragraphs 4 and 5 above. Any reference to the 1988 Lugano Convention in other instruments shall be understood as a reference to this Convention.</li> <li>7. Insofar as the relations between the Member States of the European Community and the non-European territories referred to in Article 70(1)(b) are concerned, this Convention shall replace the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, signed at Brussels on 27 September 1968, and of the Protocol on interpretation of that Convention by the Court of Justice of the European Communities, signed at Luxembourg on 3 June 1971, as amended by the Conventions of</li> </ol>

<sup>62</sup> Ratification of the 1978 and 1982 Accession Conventions was governed by Articles 38 and 14 of those Conventions. The ratification of the 1989 Accession Convention is governed by Article 31 of that Convention, which reads as follows:  
‘Article 31

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.’

The ratification of the 1996 Accession Convention is governed by Article 15 of that Convention, which reads as follows:

‘Article 15

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Union.’

				<p>Accession to the said Convention and the said Protocol by the States acceding to the European Communities, as of the date of the entry into force of this Convention with respect to these territories in accordance with Article 73(2).</p>
<p><b>Article 62<sup>(63)</sup></b>          This Convention shall enter into force on the first day of the third month following the deposit of the instrument of ratification by the last signatory State to take this step.</p>			<p><b>Article 62</b>          1. After entering into force this Convention shall be open to accession by:          a) the States referred to in Article 60 (b),          b) other States which have been invited to accede upon a request made by one of the Contracting States to the depositary State. The depositary State shall invite the State concerned to accede only if, after having communicated the contents of the communications that this State intends to make in accordance with Article 63, it has obtained the unanimous agreement of the signatory States and the Contracting States referred to in Article 60 (a) and (b).          2. If an acceding State wishes to furnish details for the purposes of Protocol 1, negotiations shall be entered into to that end. A negotiating conference shall be convened by the Swiss Federal Council.          3. In respect of an acceding State, the Convention shall take effect on the first day of the third month following the deposit of its instrument of accession.          4. However, in respect of an acceding State referred to in paragraph 1 (a) or (b), the Convention shall take effect</p>	<p><b>Article 70</b>          1. After entering into force this Convention shall be open for accession by:          a) the States which, after the opening of this Convention for signature, become Members of the European Free Trade Association, under the conditions laid down in Article 71;          b) Member States of the European Community acting on behalf of certain non-European territories that are part of the territory of that Member State or for whose external relations that Member State is responsible, under the conditions laid down in Article 71;          c) any other State, under the conditions laid down in Article 72.          2. States referred to in paragraph 1, which wish to become a Contracting Party to this Convention, shall address their application to the Depositary. The application, including the information referred to in Articles 71 and 72 shall be accompanied by a translation into English and French.</p>

<sup>63</sup> The entry into force of the 1978 and 1982 Accession Convention was governed by Articles 39 and 15 of those Conventions. The entry into force of the 1989 Accession Convention is governed by Article 32 of that Convention, which reads as follows:

‘Article 32

1. This Convention shall enter into force on the first day of the third month following the date on which two signatory States, of which one is the Kingdom of Spain or the Portuguese Republic, deposit their instruments of ratification.

2. This Convention shall take effect in relation to any other signatory State on the first day of the third month following the deposit of its instrument of ratification.’

The entry into force of the 1996 Accession Convention is governed by Article 16 of that Convention, which reads as follows:

‘Article 16

1. This Convention shall enter into force on the first day of the third month following the date on which two signatory States, one of which is the Republic of Austria, the Republic of Finland or the Kingdom of Sweden, deposit their instruments of ratification.

2. This Convention shall produce its effects for any other signatory State on the first day of the third month following the deposit of its instrument of ratification.’

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
			only in relations between the acceding State and the Contracting States which have not made any objections to the accession before the first day of the third month following the deposit of the instrument of accession.	
<p><b>Article 63</b></p> <p>The Contracting States recognize that any State which becomes a member of the European Economic Community shall be required to accept this Convention as a basis for the negotiations between the Contracting States and that State necessary to ensure the implementation of the last paragraph of Article 220 of the Treaty establishing the European Economic Community.</p> <p>The necessary adjustments may be the subject of a special convention between the Contracting States of the one part and the new Member States of the other part.</p>	<p><b>Article 74</b></p> <p>1. The Member States shall notify the Commission of the texts amending the lists set out in Annexes I to IV. The Commission shall adapt the Annexes concerned accordingly.</p> <p>2. The updating or technical adjustments of the forms, specimens of which appear in Annexes V and VI, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 75(2).</p> <p><b>Article 75</b></p> <p>1. The Commission shall be assisted by a committee.</p> <p>2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.</p>	<p><b>[Article 75</b></p> <p>By 10 January 2014, the Member States shall communicate to the Commission:</p> <p>a) the courts to which the application for refusal of enforcement is to be submitted pursuant to Article 47(1);</p> <p>b) the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2);</p> <p>c) the courts with which any further appeal is to be lodged pursuant to Article 50; and</p> <p><b>Article 76</b></p> <p>1. The Member States shall notify the Commission of:</p> <p>a) the rules of jurisdiction referred to in Articles 5(2) and 6(2);]</p> <p><b>[Article 77</b></p> <p>The Commission shall be empowered to adopt delegated acts in accordance with Article 78 concerning the amendment of Annexes I and II. ]</p>	<p><b>Article 63</b></p> <p>Each acceding State shall, when depositing its instrument of accession, communicate the information required for the application of Articles 3, 32, 37, 40, 41 and 55 of this Convention and furnish, if need be, the details prescribed during the negotiations for the purposes of Protocol 1.</p>	<p><b>Article 71</b></p> <p>1. Any State referred to in Article 70(1)(a) and (b) wishing to become a Contracting Party to this Convention:</p> <p>a) shall communicate the information required for the application of this Convention;</p> <p>b) may submit declarations in accordance with Articles I and III of Protocol 1.</p> <p>2. The Depositary shall transmit any information received pursuant to paragraph 1 to the other Contracting Parties prior to the deposit of the instrument of accession by the State concerned.</p>

<p><b>Article 64<sup>(64)</sup></b>                  The Secretary-General of the Council of the European Communities shall notify the signatory States of:</p> <ul style="list-style-type: none"> <li>a) the deposit of each instrument of ratification;</li> <li>b) the date of entry into force of this Convention;</li> <li>c) . . . <sup>(65)</sup>;</li> <li>d) any declaration received pursuant to Article IV of the Protocol;</li> <li>e) any communication made pursuant to Article VI of the Protocol.</li> </ul>				<p><b>Article 72</b></p> <ol style="list-style-type: none"> <li>1. Any State referred to in Article 70(1)(c) wishing to become a Contracting Party to this Convention:                     <ul style="list-style-type: none"> <li>a) shall communicate the information required for the application of this Convention;</li> <li>b) may submit declarations in accordance with Articles I and III of Protocol I; and</li> <li>c) shall provide the Depositary with information on, in particular:                             <ol style="list-style-type: none"> <li>(1) their judicial system, including information on the appointment and independence of judges;</li> <li>(2) their internal law concerning civil procedure and enforcement of judgments; and</li> <li>(3) their private international law relating to civil procedure.</li> </ol> </li> </ul> </li> <li>2. The Depositary shall transmit any information received pursuant to paragraph 1 to the other Contracting Parties prior to inviting the State concerned to accede in accordance with paragraph 3 of this Article.</li> <li>3. Without prejudice to paragraph 4, the Depositary shall invite the State concerned to accede only if it has obtained the unanimous agreement of the Contracting Parties. The Contracting Parties shall endeavour to give their consent at the latest within one year after the invitation by the Depositary.</li> <li>4. The Convention shall enter into force only in relations between the acceding State and the Contracting Parties which have not made any objections to the</li> </ol>
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<sup>64</sup> Notification concerning the 1978 and 1982 Accession Conventions is governed by Articles 40 and 16 of those Conventions. Notification concerning the 1989 Accession Convention is governed by Article 33 of that Convention, which reads as follows:

‘Article 33

The Secretary-General of the Council of the European Communities shall notify the signatory States of:

- a) the deposit of each instrument of ratification;
- b) the dates of entry into force of this Convention for the Contracting States.’

Notification concerning the 1996 Accession Convention is governed by Article 17 of that Convention, which reads as follows:

‘Article 17

The Secretary-General of the Council of the European Union shall notify the signatory States of:

- a) the deposit of each instrument of ratification;
- b) the dates of entry into force of this Convention for the Contracting States.’

<sup>65</sup> Article 22 of the 1989 Accession Convention provides for the deletion of letter (c) as amended by Article 28 of the 1978 Accession Convention.

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
				accession before the first day of the third month following the deposit of the instrument of accession.
				<p><b>Article 73</b></p> <ol style="list-style-type: none"> <li>1. The instruments of accession shall be deposited with the Depositary.</li> <li>2. In respect of an acceding State referred to in Article 70, the Convention shall enter into force on the first day of the third month following the deposit of its instrument of accession. As of that moment, the acceding State shall be considered a Contracting Party to the Convention.</li> <li>3. Any Contracting Party may submit to the Depositary a text of this Convention in the language or languages of the Contracting Party concerned, which shall be authentic if so agreed by the Contracting Parties in accordance with Article 4 of Protocol 2.</li> </ol>
<p><b>Article 65</b> The Protocol annexed to this Convention by common accord of the Contracting States shall form an integral part thereof.</p> <p><b>Article 66</b> This Convention is concluded for an unlimited period.</p>	<p>[See also Article 74.1]</p>	<p><b>Article 74</b> The Member States shall provide, within the framework of the European Judicial Network and with a view to making the information available to the public, a description of national rules and procedures concerning enforcement, including authorities competent for enforcement, and information on any limitations on enforcement, in particular debtor protection rules and limitation or prescription periods. The Member States shall keep this information permanently updated.</p> <p><b>Article 75</b> By 10 January 2014, the Member States shall communicate to the Commission:</p> <ol style="list-style-type: none"> <li>a) the courts to which the application for refusal of enforcement is to be submitted pursuant to Article 47(1);</li> <li>b) the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2);</li> <li>c) the courts with which any further appeal is to be lodged pursuant to Article 50; and</li> <li>d) the languages accepted for translations of the forms as referred to in Article 57(2).</li> </ol>	<p><b>Article 64</b></p> <ol style="list-style-type: none"> <li>1. This Convention is concluded for an initial period of five years from the date of its entry into force in accordance with Article 61 (3), even in the case of States which ratify it or accede to it after that date.</li> <li>2. At the end of the initial five-year period, the Convention shall be automatically renewed from year to year.</li> <li>3. Upon the expiry of the initial five-year period, any contracting State may, at any time, denounce the Convention by sending a notification to the Swiss Federal Council.</li> <li>4. The denunciation shall take effect at the end of the calendar year following the expiry of a period of six months from the date of receipt by the Swiss Federal Council of the notification of denunciation.</li> </ol>	<p><b>Article 74</b></p> <ol style="list-style-type: none"> <li>1. This Convention is concluded for an unlimited period.</li> <li>2. Any Contracting Party may, at any time, denounce the Convention by sending a notification to the Depositary..</li> <li>3. The denunciation shall take effect at the end of the calendar year following the expiry of a period of six months from the date of receipt by the Depositary of the notification of denunciation.</li> </ol>
			<p><b>Article 65</b> The following are annexed to this Convention: – a Protocol 1, on certain questions of</p>	<p><b>Article 75</b> The following are annexed to this Convention: – a Protocol 1, on certain questions of</p>

	<p><b>[See also Article 74.1]</b></p>	<p>The Commission shall make the information publicly available through any appropriate means, in particular through the European Judicial Network.</p> <p><b>Article 76</b></p> <p>1. The Member States shall notify the Commission of:</p> <ol style="list-style-type: none"> <li>a) the rules of jurisdiction referred to in Articles 5(2) and 6(2);</li> <li>b) the rules on third-party notice referred to in Article 65; and</li> <li>c) the conventions referred to in Article 69.</li> </ol> <p>2. The Commission shall, on the basis of the notifications by the Member States referred to in paragraph 1, establish the corresponding lists.</p>	<p>jurisdiction, procedure and enforcement,          – a Protocol 2, on the uniform interpretation of the Convention;          – a Protocol 3, on the application of Article 57.          These Protocols shall form an integral part of the Convention.</p>	<p>jurisdiction, procedure and enforcement;          – a Protocol 2, on the uniform interpretation of this Convention and on the Standing Committee;          – a Protocol 3, on the application of Article 67 of this Convention;          – Annexes I through IV and Annex VII, with information related to the application of this Convention;          – Annexes V and VI, containing the certificates referred to in Articles 54, 58 and 57 of this Convention;          – Annex VIII, containing the authentic languages referred to in Article 79 of this Convention, and          – Annex IX, concerning the application of Article II of Protocol 1.          These Protocols and Annexes shall form an integral part of this Convention.</p>
<p><b>Article 67</b>          Any Contracting State may request the revision of this Convention. In this event, a revision conference shall be convened by the President of the Council of the European Communities.</p>		<p>3. The Member States shall notify the Commission of any subsequent amendments required to be made to those lists. The Commission shall amend those lists accordingly.</p>	<p><b>Article 66</b>          Any Contracting State may request the revision of this Convention. To that end, the Swiss Federal Council shall issue invitations to a revision conference within a period of six months from the date of the request for revision.</p>	<p><b>Article 76</b>          Without prejudice to Article 77, any Contracting Party may request the revision of this Convention. To that end, the Depositary shall convene the Standing Committee as laid down in Article 4 of Protocol 2.</p>
	<p><b>[Cf Article 74.2]</b></p>	<p>4. The Commission shall publish the lists and any subsequent amendments made to them in the <i>Official Journal of the European Union</i>.</p> <p>5. The Commission shall make all information notified pursuant to paragraphs 1 and 3 publicly available through any other appropriate means, in particular through the European Judicial Network.</p> <p><b>Article 77</b>          The Commission shall be empowered to adopt delegated acts in accordance with Article 78 concerning the amendment of Annexes I and II.</p> <p><b>Article 78</b></p> <p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The power to adopt delegated acts referred to in Article 77 shall be</p>		<p><b>Article 77</b></p> <p>1. The Contracting Parties shall communicate to the Depositary the text of any provisions of the laws which amend the lists set out in Annexes I through IV as well as any deletions in or additions to the list set out in Annex VII and the date of their entry into force. Such communication shall be made within reasonable time before the entry into force and be accompanied by a translation into English and French. The Depositary shall adapt the Annexes concerned accordingly, after having consulted the Standing Committee in accordance with Article 4 of Protocol 2. For that purpose, the Contracting Parties shall provide a translation of the adaptations into their languages.</p> <p>2. Any amendment of Annexes V through VI and VIII through IX to this Convention shall be adopted by the Standing Committee in accordance with Article 4 of Protocol 2.</p>

Brussels Convention	Brussels I Regulation	Recast Brussels I Regulation	1988 Lugano Convention	2007 Lugano Convention
		<p>conferred on the Commission for an indeterminate period of time from 9 January 2013.</p> <p>3. The delegation of power referred to in Article 77 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 77 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>	<p><b>Article 67</b> The Swiss Federal Council shall notify the States represented at the Diplomatic Conference of Lugano and the States who have later acceded to the Convention of:</p> <ol style="list-style-type: none"> <li>the deposit of each instrument of ratification or accession,</li> <li>the dates of entry into force of this Convention in respect of the Contracting States,</li> <li>any denunciation received pursuant to Article 64,</li> <li>any declaration received pursuant to Article Ia of Protocol 1,</li> <li>any declaration received pursuant to Article Ib of Protocol 1,</li> <li>any declaration received pursuant to Article IV of Protocol 1,</li> <li>any communication made pursuant to Article VI of Protocol 1.</li> </ol>	<p><b>Article 78</b></p> <ol style="list-style-type: none"> <li>The Depositary shall notify the Contracting Parties of: <ol style="list-style-type: none"> <li>the deposit of each instrument of ratification or accession;</li> <li>the dates of entry into force of this Convention in respect of the Contracting Parties;</li> <li>any declaration received pursuant to Articles I to IV of Protocol 1;</li> <li>any communication made pursuant to Article 74(2), Article 77(1) and paragraph 4 of Protocol 3.</li> </ol> </li> <li>The notifications will be accompanied by translations into English and French.</li> </ol>
<p><b>Article 68<sup>(66)</sup></b> This Convention, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.</p>	<p>[See also Article 73]</p>	<p><b>Article 79</b> By 11 January 2022 the Commission shall present a report to the European Parliament, to the Council and to the European Economic and Social Committee on the application of this Regulation. That report shall include an evaluation of the possible need for a further extension of the rules on jurisdiction to defendants not domiciled in a Member State, taking into account the operation of this Regulation and possible developments at international level. Where appropriate, the report shall be accompanied by a proposal for amendment of this Regulation.</p> <p><b>Article 80</b></p>	<p><b>Article 68</b> This Convention, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Icelandic, Irish, Italian, Norwegian, Portuguese, Spanish and Swedish languages, all fourteen texts being equally authentic, shall be deposited in the archives of the Swiss Federal Council. The Swiss Federal Council shall transmit a certified copy to the Government of each State represented at the Diplomatic Conference of Lugano and to the Government of each acceding State.</p>	<p><b>Article 79</b> This Convention, drawn up in a single original in the languages listed in Annex VIII, all texts being equally authentic, shall be deposited in the Swiss Federal Archives. The Swiss Federal Council shall transmit a certified copy to each Contracting Party.</p> <p>[</p>

<sup>66</sup> See [notes](#) under Article 62.

		This Regulation shall repeal Regulation (EC) No 44/2001. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex III.		
	<b>Article 76</b> This Regulation shall enter into force on 1 March 2002. This Regulation is binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.	<b>Article 81</b> This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from 10 January 2015, with the exception of Articles 75 and 76, which shall apply from 10 January 2014. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.		
[See also Article 3, subparagraph 2]	<b>Annex I</b>	[See also Article 76.1 (a)]	[See also Article 3, subparagraph 2]	<b>Annex I</b>
[See also Article 32]	<b>Annex II</b>	[Cf Article 75 (a)]	[See also Article 32]	<b>Annex II</b>
[See also Articles 37 et 40]	<b>Annex III</b>	[Cf Article 75 (b)]	[See also Articles 37 and 40]	<b>Annex III</b>
[See also Article 41]	<b>Annex IV</b>	[Cf Article 75 (c)]	[See also Article 41]	<b>Annex IV</b>
	<b>Annex V</b>	<b>Annex I et II</b>		<b>Annex V</b>
	<b>Annex VI</b>	<b>Annex II</b>		<b>Annex VI</b>
		<b>Annex III</b>		
<b>Protocol on the interpretation</b>			<b>Protocol II</b>	<b>Protocol II</b>
			<b>Protocol III</b>	<b>Protocol III</b>

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Marie-Elodie Ancel, Professor of Law,  
Co-founder and Scientific Director of Lynxlex

