

# EN2BRIa

Enhancing Enforcement under Brussels Ia



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Following research in the framework of the En2bria Project, the present document lists the main acts contacting rules on jurisdiction or movement of judgments that can trigger (or have been argued not to trigger) the disconnection clause contained in Art. 67 Brussels I bis Regulation. The document does not list *optional instruments*.

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## Concurring regimes

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<b>TFEU, Art. 268</b>	- Art. 268 <i>exclusive jurisdiction of the CJEU for non-contractual liability of the Union</i>	Art. 67 Brussels Ibis Regulation only operates when it concurs with provisions of secondary law  [2005] IEHC 324
<b>TFEU, Art. 270</b>	- Art. 270 Exclusive jurisdiction of the [General Court – see reforms 2016] for staff proceedings	<i>The Court of Justice of the European Union shall have jurisdiction in any dispute between the Union and its servants within the limits and under the conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of other servants of the Union.</i>
<b>Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights</b>	- Artt. 101 ff <i>jurisdiction</i>	<a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31994R2100">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31994R2100</a>



<p><b>Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services</b></p>	<p>- Art 6 <i>jurisdiction</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31996L0071">https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31996L0071</a></p>
<p><b>Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom</b></p>	<p>Art. 6 <i>action for damages related to the application of extraterritorial laws</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31996R2271">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31996R2271</a></p>
	<p>Whereas the material scope of application of the Brussels I regime does not overlap with that of this regulation (that is devoted to decisions delivered by courts of third States), this regulation entails rules on jurisdiction, as the provision at hand states that:</p>	
	<p><i>“Any person referred to in Article 11, who is engaging in an activity referred to in Article 1 shall be entitled to recover any damages, including legal costs, caused to that person by the application of the laws specified in the Annex or by actions based thereon or resulting therefrom. Such recovery may be obtained from the natural or legal person or any other entity causing the damages or from any person acting</i></p>	



*on its behalf or intermediary.  
The Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters shall apply to proceedings brought and judgments given under this Article. Recovery may be obtained on the basis of the provisions of Sections 2 to 6 of Title II of that Convention, as well as, in accordance with Article 57 (3) of that Convention, through judicial proceedings instituted in the Courts of any Member State where that person, entity, person acting on its behalf or intermediary holds assets.  
Without prejudice to other means available and in accordance with applicable law, the recovery could take the form of seizure and sale of assets held by those persons, entities, persons acting on their behalf or intermediaries within the Community, including shares held in a legal person incorporated within the Community”.*



## Montreal Convention)

### Decision 2001/539/EC on the conclusion by the European Community of the Montreal Convention

<b>Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents (as amended)</b>	Art. 1 extends 1999 Montreal Convention to internal flights  Eleonore Prüller-Frey v Norbert Brodnig and Axa Versicherung AG Case C-240/14	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:01997R2027-20020530">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:01997R2027-20020530</a>
<b>Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE)</b> OJ L 294, 10.11.2001, p. 1	<i>- Art 8(16): An SE which has transferred its registered office to another Member State shall be considered, in respect of any cause of action arising prior to the transfer as determined in paragraph 10, as having its registered office in the Member States where the SE was registered prior to the transfer, even if the SE is sued after the transfer</i>	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001R2157">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001R2157</a>
	Such a provision is explicitly qualified as a “jurisdiction rule” by the same regulation, at art. 69(c)	
<b>Council Regulation (EC) No 6/2002 of 12</b>	- Artt. 79 ff <i>jurisdiction</i>	<a href="https://eur-lex.europa.eu/legal-">https://eur-lex.europa.eu/legal-</a>



December 2001 on  
Community designs

[content/EN/TXT/?uri=celex%3A32002R0006](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002R0006)

2002/971/EC: Council Decision of 18 November 2002 authorising the Member States, in the interest of the Community, to ratify or accede to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (the HNS Convention) OJ L 337, 13.12.2002, p. 55

- Council decision authorises the Member States to ratify or accede to the HNS Convention in the interest of the Community

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2002.337.01.0055.01.ENG&toc=OJ%3AL%3A2002%3A337%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2002.337.01.0055.01.ENG&toc=OJ%3AL%3A2002%3A337%3ATOC)

- the Convention (version 1996) has rules on *Jurisdiction* (art 38, and art 39)

- the Convention (version 1996) has rules on *Recognition and enforcement* (art. 40)

- Council decision (art 2) excludes the applicability of art 40 Convention on free movement of decisions for intra-EU judgments which still fall under the intra-EU *lex generalis*

Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R1257>



**Agreement On A  
Unified Patent Court**

Art 31 ff of the  
"Agreement" *jurisdiction*

<https://www.unified-patent-court.org/sites/default/files/upc-agreement.pdf>

*However, see the German  
Constitutional Court  
declaration of invalidity in  
Order of 13 February 2020  
2 BvR 739/17*

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2020/bvg20-020.html>

**2012/22/EU: Council  
Decision of 12  
December 2011  
concerning the  
accession of the  
European Union to the  
Protocol of 2002 to the  
Athens Convention  
relating to the Carriage  
of Passengers and their  
Luggage by Sea, 1974,  
with the exception of  
Articles 10 and 11  
thereof**

- Athens convention, art. 17, forum
- Athens convention (as amended), art, 17 bis, recognition and enforcement

EU Decision: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02012D0022-20130701>

Athens Convention:  
<http://folk.uio.no/erikro/WW/corrgr/Consol.pdf>

**2012/23/EU: Council  
Decision of 12  
December 2011  
concerning the  
accession of the  
European Union to the  
Protocol of 2002 to the  
Athens Convention  
relating to the Carriage  
of Passengers and their  
Luggage by Sea, 1974,  
as regards Articles 10  
and 11 thereof  
OJ L 8, 12.1.2012, p. 13**

Recognition and enforcement:  
  
- *a reservation to the Athens convention is made by the EU. Decisions given by MS's courts still fall within the scope of application of Brussels/Lugano regime [art. 2]*

Declaration  
  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012D0023>



<p><b>REGULATION (EC) No 392/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents</b></p>	<p>Recital 11 (<i>The matters covered by Articles 17 and 17bis of the Athens Convention fall within the exclusive competence of the Community in so far as those Articles affect the rules established by Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. To that extent, these two provisions will form part of the Community legal order when the Community accedes to the Athens Convention</i>).</p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0392&amp;from=IT">https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0392&amp;from=IT</a></p>
<p><b>2013/103/EU: Council Decision of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 , as amended by the Vilnius Protocol of 3 June 1999</b></p>	<ul style="list-style-type: none"> <li>- CIM, art. 46; forum</li> <li>- CIV, art. 57, forum</li> <li>- CUV, art. 11, forum</li> <li>- CUI, art. 24, forum</li> </ul>	<ul style="list-style-type: none"> <li>- EU Decision <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013D0103">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013D0103</a></li> <li>- COTIF <a href="https://www.cit-rail.org/secure-media/files/documentat ion_de/passenger/cotif/cotif99_2010-12-01_fr-de-en_protocol.pdf?cid=84385">https://www.cit-rail.org/secure-media/files/documentat ion_de/passenger/cotif/cotif99_2010-12-01_fr-de-en_protocol.pdf?cid=84385</a></li> <li>- CIM <a href="https://www.cit-rail.org/secure-media/files/documentat ion_de/freight/cim/cim">https://www.cit-rail.org/secure-media/files/documentat ion_de/freight/cim/cim</a></li> </ul>



[\\_1999\\_2010-12-01\\_fr-de-en\\_rev\\_ns.pdf?cid=84384](https://www.cit-rail.org/secure-media/files/documentat...)

- CIV [https://www.cit-rail.org/secure-media/files/documentat...ion\\_de/passenger/civ/civ1999-f-d-e.pdf?cid=84388](https://www.cit-rail.org/secure-media/files/documentat...)
- CUV [https://www.cit-rail.org/secure-media/files/documentat...ion\\_en/cuv/1\\_nachtrag\\_cuv-1999-f-d-e.pdf?cid=84390](https://www.cit-rail.org/secure-media/files/documentat...)
- CUI [https://www.cit-rail.org/secure-media/files/documentat...ion\\_de/infrastructure/cui/cui\\_1999\\_2015-07-01\\_fr-en-de.pdf?cid=84391](https://www.cit-rail.org/secure-media/files/documentat...)

**Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data**

Art 79(2) *jurisdiction*  
Cfr. [2019]EWHC 879 (Comm)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

**See also 2010/87/: Commission Decision of 5 February 2010 on standard contractual clauses for**

- Annex I, clause 7  
*Clause 7*  
*Mediation and jurisdiction*

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32010D0087>



**the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council , in OJ L 39, 12.2.2010, p. 5**

*1.The data importer agrees that if the data subject invokes against it third-party beneficiary rights and/or claims compensation for damages under the Clauses, the data importer will accept the decision of the data subject: (a)to refer the dispute to mediation, by an independent person or, where applicable, by the supervisory authority; (b) to refer the dispute to the courts in the Member State in which the data exporter is established.*

*2.The parties agree that the choice made by the data subject will not prejudice its substantive or procedural rights to seek remedies in accordance with other provisions of national or international law.*

**Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark**

- Artt. 122 ff

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32017R1001>

**Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the**

Art. 78 - Liability other than liability for unauthorised or incorrect processing of data (para. 6: *The national*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1727>



**European Union  
Agency for Criminal  
Justice Cooperation  
(Eurojust), and  
replacing and repealing  
Council Decision  
2002/187/JHA**

*courts of the Member  
States competent to deal  
with disputes involving  
Eurojust's liability as  
referred to in this Article  
shall be determined by  
reference to Regulation  
(EU) No 1215/2012 of the  
European Parliament and  
of the Council)*

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## *Indirect influence or other forms of coordination (e.g., for non-mandatory or non-overlapping regimes)*

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<p><b>Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation</b> OJ L 373, 31.12.1991, p. 4</p>	<p>CJEU, Nogueira, Joined cases C-168-169/16, 14 Sept. 2017,</p> <p><i>Article 19(2)(a) of Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, in the event of proceedings being brought by a member of the air crew, assigned to or employed by an airline, and in order to establish the jurisdiction of the court seised, the concept of 'place where the employee habitually carries out his work', within the meaning of that provision, cannot be equated with that of 'home base', within the meaning of Annex III to Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended by Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=celex:31991R3922">https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=celex:31991R3922</a></p>
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2006. *The concept of 'home base' constitutes nevertheless a significant indicium for the purposes of determining the 'place where the employee habitually carries out his work'.*

<p><b>Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts</b> OJ L 95, 21.4.1993, p. 29</p>	<p>Annex, 1 (unfair terms), letter q)</p> <p><i>Terms which have the object or effect of ... excluding or hindering the consumer's right to take legal action or exercise any other legal remedy, particularly by requiring the consumer to take disputes exclusively to arbitration not covered by legal provisions, unduly restricting the evidence available to him or imposing on him a burden of proof which, according to the applicable law, should lie with another party to the contract.</i></p>	<p>(Consolidated text <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01993L0013-20111212">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01993L0013-20111212</a>)</p>
<p><b>Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market</b></p>	<p>Recital 23 (<i>This Directive neither aims to establish additional rules on private international law relating to conflicts of law nor does it deal with the jurisdiction of Courts; provisions of the applicable law designated by rules of private international law must not restrict the freedom to provide information society</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000L0031">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000L0031</a></p>



*services as established in  
this Directive).*

Cfr. Art. 1(4)

<p><b>Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004) OJ L 195, 2.6.2004, p. 16</b></p>	<p>Recital 11</p> <p><i>This Directive does not aim to establish harmonised rules for judicial cooperation, jurisdiction, the recognition and enforcement of decisions in civil and commercial matters, or deal with applicable law. There are Community instruments which govern such matters in general terms and are, in principle, equally applicable to intellectual property.</i></p>	<p>(consolidated text) <a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0048R%2801%29">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0048R%2801%29</a></p>
<p><b>Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims OJ L 143, 30.4.2004, p. 15-39</b></p>	<p>Art. 6(1)</p> <p><i>A judgment on an uncontested claim delivered in a Member State shall, upon application at any time to the court of origin, be certified as a European Enforcement Order if:</i></p> <p><i>(a) the judgment is enforceable in the Member State of origin; and</i></p> <p><i>(b) the judgment does not conflict with the rules on jurisdiction as laid down in sections 3 and 6 of Chapter II of Regulation (EC) No 44/2001; and</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004R0805">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004R0805</a></p>



*(c) the court proceedings in the Member State of origin met the requirements as set out in Chapter III where a claim is uncontested within the meaning of Article 3(1)(b) or (c); and  
(d) the judgment was given in the Member State of the debtor's domicile within the meaning of Article 59 of Regulation (EC) No 44/2001, in cases where*

*- a claim is uncontested within the meaning of Article 3(1)(b) or (c); and  
- it relates to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession; and  
- the debtor is the consumer.*

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<p><b>Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights</b></p>	<p><i>Art 16 competence over infringements</i></p> <p><i>Regulation No 261/2004 does not contain rules on the international jurisdiction of the courts of the Member States, so that the issue of jurisdiction must be examined in the light of Regulation No 1215/2012; (Judgment of the Court, 11 April 2019, ZX v Ryanair DAC, Case C-464/18, para 24)</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32004R0261">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32004R0261</a></p>
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<p><b>Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure</b> OJ L 399, 30.12.2006, p. 1</p>	<p>Art. 6</p> <p>1. <i>For the purposes of applying this Regulation, jurisdiction shall be determined in accordance with the relevant rules of Community law, in particular Regulation (EC) No 44/2001.</i></p> <p>2. <i>However, if the claim relates to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, and if the defendant is the consumer, only the courts in the Member State in which the defendant is domiciled, within the meaning of Article 59 of Regulation (EC) No 44/2001, shall have jurisdiction.</i></p>	<p>(consolidated version) <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02006R1896-20170714">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02006R1896-20170714</a></p>
<p><b>DIRECTIVE 2008/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2008 on certain aspects of mediation in civil and commercial matters</b></p>	<p>Enforcement of mediation agreements according to Regulation Brussels I</p> <p>- Art. 6, Request for enforceability of mediation agreements</p>	<p><a href="https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:136:0003:0008:en:PDF">https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:136:0003:0008:en:PDF</a></p>
<p><b>Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests</b></p>	<p>Art 2 <i>jurisdiction</i></p> <p><i>("Member States shall designate the courts or administrative authorities competent to rule on proceedings commenced by</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0022">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0022</a></p>



*qualified entities...")*

*Art. 2 Directive  
2009/22/EC does not  
contain a rule on  
jurisdiction to be  
transposed into domestic  
law; hence, domestic  
provisions transposing the  
directive do not contain  
harmonized heads of  
jurisdiction for the  
purposes of art. 67 Brussels  
I bis Regulation [decision  
ex §139 German Code of  
civil procedure  
Hanseatische  
Oberlandesgericht  
Hamburg, 15 U 58/19  
vom 15.11.2019]*

**See also  
Commission  
Recommendation of 11  
June 2013 on common  
principles for  
injunctive and  
compensatory collective  
redress mechanisms in  
the Member States  
concerning violations of  
rights granted under  
Union Law, in  
OJ L 201, 26.7.2013, p. 60**

*Principle: 17. The Member  
States should ensure that  
where a dispute concerns  
natural or legal persons  
from several Member  
States, a single collective  
action in a single forum is  
not prevented by national  
rules on admissibility or  
standing of the foreign  
groups of claimants or the  
representative entities  
originating from other  
national legal systems.*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013H0396>

*Principle: 18. Any  
representative entity that  
has been officially  
designated in advance by a  
Member State to have  
standing to bring*



*representative actions  
should be permitted to seize  
the court in the Member  
State having jurisdiction to  
consider the mass harm  
situation.*

**See also Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC, in OJ L 409, 4.12.2020, p. 1**

Art. 2(3):  
*This Directive is without prejudice to Union rules on private international law, in particular rules regarding jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and rules on the law applicable to contractual and non-contractual obligations*

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2020.409.01.0001.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2020.409.01.0001.01.ENG)

Deadline for transposition for Member States (art. 24): 25 December 2022, applicable from 25 June 2023.

**Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations OJ L 7, 10.1.2009, p. 1**

Recital 44  
**Trigger mechanism overruled by new art. 1 Brussels Ibis**

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009R0004>

**Regulation (EU) 2015/848 of the European Parliament**

Art. 6(2)  
*Where an action referred to*

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX>



**and of the Council of 20  
May 2015 on insolvency  
proceedings  
OJ L 141, 5.6.2015, p. 19**

*in paragraph 1 is related to  
an action in civil and  
commercial matters against  
the same defendant, the  
insolvency practitioner  
may bring both actions  
before the courts of the  
Member State within the  
territory of which the  
defendant is domiciled, or,  
where the action is brought  
against several defendants,  
before the courts of the  
Member State within the  
territory of which any of  
them is domiciled, provided  
that those courts have  
jurisdiction pursuant to  
Regulation (EU) No  
1215/2012.*

[X%3A32015R0848](#)

**Provision introduced by  
the EIR Recast, not  
present in Regulation  
1346/2000.**

<p><b>Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market</b></p>	<p>Recital 13 (“<i>This Regulation should be without prejudice to Union law concerning judicial cooperation in civil matters, ... on court jurisdiction set out in ... (EU) No 1215/2012</i>”)</p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R0302">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R0302</a></p>
<p><b>Directive (EU) 2019/2121 of the European Parliament and of the</b></p>	<p>Art. 86 undicies (4) <i>jurisdiction</i></p>	<p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=15814">https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=15814</a></p>



**Council of 27  
November 2019  
amending Directive  
(EU) 2017/1132 as  
regards cross-border  
conversions, mergers  
and divisions**

*("Member States shall ensure that creditors whose claims antedate the disclosure of the draft terms of the cross-border conversion are able to institute proceedings against the company also in the departure Member State within two years of the date the conversion has taken effect, without prejudice to the jurisdiction rules arising from Union or national law or from a contractual agreement. The option of instituting such proceedings shall be in addition to other rules on the choice of jurisdiction that are applicable pursuant to Union law")*

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