

Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (repealed)

CHAPTER I

SCOPE

Article 1 (1) This Regulation shall apply in civil and commercial matters...

CHAPTER II

JURISDICTION

Section 1

General provisions

Article 2 (1) Subject to this Regulation, persons domiciled in a Member...
Article 3 (1) Persons domiciled in a Member State may be sued...
Article 4 (1) If the defendant is not domiciled in a Member...

Section 2

Special jurisdiction

Article 5 A person domiciled in a Member State may, in another...
Article 6 A person domiciled in a Member State may also be...
Article 7 Where by virtue of this Regulation a court of a...

Section 3

Jurisdiction in matters relating to insurance

Article 8 In matters relating to insurance, jurisdiction shall be determined by...
Article 9 (1) An insurer domiciled in a Member State may be...
Article 10 In respect of liability insurance or insurance of immovable property,...
Article 11 (1) In respect of liability insurance, the insurer may also,...
Article 12 (1) Without prejudice to Article 11(3), an insurer may bring...
Article 13 The provisions of this Section may be departed from only...
Article 14 The following are the risks referred to in Article 13(5):...

Section 4

Jurisdiction over consumer contracts

Article 15 (1) In matters relating to a contract concluded by a...
Article 16 (1) A consumer may bring proceedings against the other party...

Status: Point in time view as at 04/01/2005.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 44/2001 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 17 The provisions of this Section may be departed from only...

Section 5

Jurisdiction over individual contracts of employment

Article 18 (1) In matters relating to individual contracts of employment, jurisdiction...

Article 19 An employer domiciled in a Member State may be sued:...

Article 20 (1) An employer may bring proceedings only in the courts...

Article 21 The provisions of this Section may be departed from only...

Section 6

Exclusive jurisdiction

Article 22 The following courts shall have exclusive jurisdiction, regardless of domicile:...

Section 7

Prorogation of jurisdiction

Article 23 (1) If the parties, one or more of whom is...

Article 24 Apart from jurisdiction derived from other provisions of this Regulation,...

Section 8

Examination as to jurisdiction and admissibility

Article 25 Where a court of a Member State is seised of...

Article 26 (1) Where a defendant domiciled in one Member State is...

Section 9

Lis pendens — related actions

Article 27 (1) Where proceedings involving the same cause of action and...

Article 28 (1) Where related actions are pending in the courts of...

Article 29 Where actions come within the exclusive jurisdiction of several courts,...

Article 30 For the purposes of this Section, a court shall be...

Section 10

Provisional, including protective, measures

Article 31 Application may be made to the courts of a Member...

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CHAPTER III

RECOGNITION AND ENFORCEMENT

Article 32 For the purposes of this Regulation, ‘judgment’ means any judgment...

Section 1

Recognition

Article 33 (1) A judgment given in a Member State shall be...
Article 34 A judgment shall not be recognised: if such recognition is...
Article 35 (1) Moreover, a judgment shall not be recognised if it...
Article 36 Under no circumstances may a foreign judgment be reviewed as...
Article 37 (1) A court of a Member State in which recognition...

Section 2

Enforcement

Article 38 (1) A judgment given in a Member State and enforceable...
Article 39 (1) The application shall be submitted to the court or...
Article 40 (1) The procedure for making the application shall be governed...
Article 41 The judgment shall be declared enforceable immediately on completion of...
Article 42 (1) The decision on the application for a declaration of...
Article 43 (1) The decision on the application for a declaration of...
Article 44 The judgment given on the appeal may be contested only...
Article 45 (1) The court with which an appeal is lodged under...
Article 46 (1) The court with which an appeal is lodged under...
Article 47 (1) When a judgment must be recognised in accordance with...
Article 48 (1) Where a foreign judgment has been given in respect...
Article 49 A foreign judgment which orders a periodic payment by way...
Article 50 An applicant who, in the Member State of origin has...
Article 51 No security, bond or deposit, however described, shall be required...
Article 52 In proceedings for the issue of a declaration of enforceability,...

Section 3

Common provisions

Article 53 (1) A party seeking recognition or applying for a declaration...
Article 54 The court or competent authority of a Member State where...
Article 55 (1) If the certificate referred to in Article 54 is...
Article 56 No legalisation or other similar formality shall be required in...

CHAPTER IV

AUTHENTIC INSTRUMENTS AND COURT SETTLEMENTS

Article 57 (1) A document which has been formally drawn up or...

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Article 58 A settlement which has been approved by a court in...

CHAPTER V

GENERAL PROVISIONS

Article 59 (1) In order to determine whether a party is domiciled...
Article 60 (1) For the purposes of this Regulation, a company or...
Article 61 Without prejudice to any more favourable provisions of national laws,...
Article 62 In Sweden, in summary proceedings concerning orders to pay (...
Article 63 (1) A person domiciled in the territory of the Grand...
Article 64 (1) In proceedings involving a dispute between the master and...
Article 65 (1) The jurisdiction specified in Article 6(2) and Article 11...

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 66 (1) This Regulation shall apply only to legal proceedings instituted...

CHAPTER VII

RELATIONS WITH OTHER INSTRUMENTS

Article 67 This Regulation shall not prejudice the application of provisions governing...
Article 68 (1) This Regulation shall, as between the Member States, supersede...
Article 69 Subject to Article 66(2) and Article 70, this Regulation shall,...
Article 70 (1) The Treaty and the Conventions referred to in Article...
Article 71 (1) This Regulation shall not affect any conventions to which...
Article 72 This Regulation shall not affect agreements by which Member States...

CHAPTER VIII

FINAL PROVISIONS

Article 73 No later than five years after the entry into force...
Article 74 (1) The Member States shall notify the Commission of the...
Article 75 (1) The Commission shall be assisted by a committee.
Article 76 This Regulation shall enter into force on 1 March 2002....
Signature

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ANNEX I

Rules of jurisdiction referred to in Article 3(2) and Article 4(2)

The rules of jurisdiction referred to in Article 3(2) and...
in Belgium: Article 15 of the Civil Code (Code civil/Burgerlijk...)

ANNEX II

The courts or competent authorities to which the application
referred...
in Belgium, the ‘tribunal de première instance’ or ‘rechtbank
van...

ANNEX III

The courts with which appeals referred to in Article 43(2)...
in Belgium, as regards appeal by the defendant: the ‘tribunal...

ANNEX IV

The appeals which may be lodged pursuant to Article 44...
in Belgium, Greece, Spain, France, Italy, Luxembourg and the
Netherlands,...

ANNEX V

ANNEX VI

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- (1) OJ C 376, 28.12.1999, p. 1.
- (2) Opinion delivered on 21 September 2000 (not yet published in the Official Journal).
- (3) OJ C 117, 26.4.2000, p. 6.
- (4) OJ L 299, 31.12.1972, p. 32.
OJ L 304, 30.10.1978, p. 1.
OJ L 388, 31.12.1982, p. 1.
OJ L 285, 3.10.1989, p. 1.
OJ C 15, 15.1.1997, p. 1.
For a consolidated text, see OJ C 27, 26.1.1998, p. 1.
- (5) OJ L 204, 2.8.1975, p. 28.
OJ L 304, 30.10.1978, p. 1.
OJ L 388, 31.12.1982, p. 1.
OJ L 285, 3.10.1989, p. 1.
OJ C 15, 15.1.1997, p. 1.
For a consolidated text see OJ C 27, 26.1.1998, p. 28.
- (6) OJ L 184, 17.7.1999, p. 23.

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