CONTENTS

Dec	isions o	of the Court of Justice of the European Union	xvii
Dec	isions o	of the European Court of Human Rights	XXV
Dec	isions o	of National Courts	xxvi
		previations	xxxvi
List	of Con	atributors	xlii
12	n 1		
1.		ground and Introduction to the Regulation www Dickinson	
	I.	The Recast Brussels I Regulation (Regulation 1215/2012)	1.01
	II.	Ancestry	1.08
		1. Brussels Convention (as amended)	1.08
		2. Lugano Conventions	1.12
		3. The 2001 Regulation (Regulation 44/2001)	1.15
		4. EC-Denmark Agreement	1.20
	III.	Review of the Original Brussels I Regulation	1.21
	IV.	The Commission Proposal	1.23
	V.	The Legislative Process	1.26
		1. European Parliament	1.26
		2. Council	1.30
		3. Other organs	1.34
	VI.	Amendment of the Recast Regulation in Relation to the Common	
		Courts	1.35
	VII.	Treaty Base	1.36
	VIII.	The Outcome of the Legislative Process—the 2001 and Recast	
		Regulations Compared	1.39
	IX.	Approach to Interpretation	1.43
		 National courts and the Court of Justice 	1.43
		2. General principles	1.44
		3. Recitals	1.56
		4. The relevance of travaux préparatoires	1.69
		5. Significance of the Brussels Convention, Lugano Conventions, and	1.71
		the 2001 Regulation	1.71 1.75
	7.5	6. Link to the Rome I and Rome II Regulations	
	X.	The Regulation's Relationship with Other Instruments	1.80
		1. The 2001 Regulation	1.80
		 The Brussels Convention The EC-Denmark Agreement 	1.82 1.83
		The Lugano Convention	1.84
		Other EU legislative instruments applicable to civil and commercial ma	
	XI.	The Regulation's Relationship with National Law and Procedure	1.108

	XII.	Fundamental Rights and Freedoms 1. Introduction	1.117 1.117
		2. The significance of the Charter in the interpretation and application of the Regulation	1.119
	XIII	The Brussels I Regulation and Third States	1.131
	71111.	External competence (the <i>Lugano Opinion</i>)	1.131
		2. The position of third-State parties	1.132
		3. Relations with third-State courts	1.133
	XIV.	User Guide	1.141
2.	Scope	e and Definitions	
		in Illmer (Arts 1, 3), Arnaud Nuyts (Art 2(a)) and Jonathan Fitchen (b)–(f))	
	I.	Scope	2.01
		1. Introduction and legislative history	2.01
		2. Key features	2.11
		3. Commentary	2.14
		4. Application of the Recast Regulation to Denmark	2.89
	II.	Definitions	2.93
	074	1. Judgment	2.93
		2. Court settlement	2.128
		3. Authentic instrument	2.131
		4. Member State of origin	2.135
		5. Member State addressed	2.136
		6. Court of origin	2.137
		7. Extended meaning of the term 'court'	2.139
3.	San Contract of the Contract o	liction—General Provisions	
	I.	Jurisdiction Based on Domicile in a Member State	3.01
	1.	Introduction and legislative history	3.01
		2. Comment	3.02
	TT		
	II.	Suit Otherwise than in the Court's of the Defendant's Domicile	3.07
		Introduction and legislative history	3.07 3.08
		2. Comment	
	III.	Article 6	3.17
		 Introduction and legislative history Comment 	3.17 3.19
4	Speci	al Jurisdiction	
1.		hias Lehmann (Art 7(1), (3), (5)–(7)), Eva Lein (Art 7(2)),	
		Rogerson (Art 7(4)), and Marie-Elodie Ancel (Arts 8–9)	
	I.	Special Jurisdiction for Particular Kinds of Claims (Art 7)	4.01
		1. Introduction—Function of Art 7	4.01
		2. Rationale	4.04
		3. Legislative history	4.09

II.	 Key Features of Art 7 Scope Relation to other Articles of the Regulation Relation between the different grounds of jurisdiction in Art 7 	4.12 4.12 4.14 4.18
III.	Guidelines to the Interpretation and Application of Art 7 1. Autonomous interpretation 2. Predictability and legal certainty 3. Principle of enumeration 4. Restrictive interpretation? 5. Avoiding jurisdiction of the courts of the claimant's domicile 6. Role of facts	4.20 4.20 4.22 4.23 4.24 4.26 4.28
IV.	Jurisdiction for Contractual Matters 1. Background 2. Structure 3. 'Matters relating to a contract' 4. Distinction between different types of contract 5. Determination of the place of performance	4.31 4.32 4.33 4.42 4.52
V.	Jurisdiction in Matters Relating to Tort, Delict, or Quasi-Delict (Art 7(2)) 1. Key features of Art 7(2) 2. 'Matters relating to tort, delict or quasi-delict' 3. 'Place where the harmful event occurred'	4.69 4.69 4.75 4.85
VI.	Jurisdiction Linked to Criminal Proceedings (Art 7(3))	4.122
VII.	Jurisdiction for the Retrieval of Cultural Objects (Art 7(4)) 1. Introduction and legislative history 2. Comment	4.126 4.126 4.128
VIII.	Jurisdiction over Establishments (Art 7(5)) 1. Rationale, scope, and function 2. Notion of branch, agency, or other establishment 3. Link to establishment's operations 4. Situation of the branch	4.133 4.134 4.140 4.142
IX.	Jurisdiction Relating to Trusts (Art 7(6))	4.143
X.	Jurisdiction Relating to Salvage (Art 7(7))	4.147
XI.	 Derived Special Jurisdiction (Art 8) Introduction and legislative history Key features Claims against co-defendants (Art 8(1)) Third-party proceedings (Art 8(2)) Art 8(3)—counterclaims arising from the same contract or facts Art 8(4)—contractual claim and action on rights <i>in rem</i> on immovable property 	4.151 4.151 4.155 4.162 4.178 4.185
XII.	Special Jurisdiction in Shipping Cases—Limitation of Liability (Art 9) 1. Introduction and legislative history 2. Comment	4.189 4.189 4.190

5.	Stefania Bariatti				
	I.	The General Framework 1. Introduction and legislative history 2. The scope of Section 3	5.01 5.01 5.07		
	II.	Proceedings against Insurers Domiciled or Deemed to be Domiciled in a Member State 1. Introduction and legislative history 2. The jurisdiction criteria established in favour of the weaker party	5.21 5.21 5.24		
	III.	Additional Forum in Liability Insurance and Insurance of Immovable Property Cases 1. Introduction and legislative history 2. Comment	5.34 5.34 5.35		
	IV.	Liability Insurance—Joinder and Direct Actions 1. Introduction and legislative history 2. Comment	5.38 5.38 5.39		
	V.	Proceedings against Member State Domiciled Policyholders, Insured, and Beneficiaries 1. Introduction and legislative history 2. Comment	5.44 5.44 5.45		
	VI.	Restrictions upon Choice-of-Court Agreements 1. Introduction and legislative history 2. Permitted choice-of-court agreements 3. The validity of choice-of-court agreements in insurance contracts 4. The parties to a choice-of-court agreement 5. Risks to which the restrictions on choice-of-court agreements do not apply	5.51 5.55 5.64 5.65 5.69		
6.	1000	diction over Consumer Contracts ea Bonomi			
	I.	The General Framework 1. Introduction and legislative history 2. Scope of application 3. Recognition and enforcement	6.01 6.01 6.08 6.55		
	II.	Jurisdiction of Member State Courts in Consumer Contract Cases 1. Introduction 2. Proceedings brought by the consumer 3. Proceedings brought against the consumer	6.56 6.58 6.71		
	III.	Restrictions upon Choice-of-Court Agreements 1. Introduction 2. Scope of application 3. Permitted choice-of-court agreements 4. Tacit acceptance of jurisdiction (Art 26) 5. Recognition and enforcement	6.77 6.77 6.79 6.82 6.89 6.90		
7.		diction over Individual Contracts of Employment			
	I.	The General Framework 1. Introduction and legislative history	7.01 7.01		

		2. Comment	7.04		
	II.	Claims of Employees against Employers 1. Introduction and legislative history 2. Comment	7.25 7.25 7.28		
		3. Extension to non-EU-domiciled employers (Art 21(2))	7.40		
	III.	Claims of Employers against Employees 1. Introduction and legislative history 2. Comment	7.41 7.41 7.42		
	IV.	Restrictions upon Choice-of-Court Agreements 1. Introduction and legislative history 2. Control of choice-of-court agreements	7.45 7.45 7.46		
8.		Exclusive Jurisdiction Matthias Lehmann			
	I.	General Remarks 1. Function 2. Scope of the provision 3. Relation to other provisions and to national law 4. Rationale 5. Legislative history 6. Guidelines to interpretation 7. Scope of the exclusive jurisdiction	8.01 8.04 8.06 8.10 8.12 8.15 8.16		
	II.	Exclusive Jurisdiction Relating to Immovable Property (Art 24(1)) 1. Structure 2. Rights in rem 3. Tenancies 4. The competent court	8.17 8.18 8.24 8.30		
	III.	Exclusive Jurisdiction Relating to Companies (Art 24(2)) 1. Structure 2. Disputes covered 3. The competent court	8.32 8.32 8.33 8.37		
	IV.	Exclusive Jurisdiction concerning Entries in Public Registers (Art 24(3))	8.39		
	V.	Exclusive Jurisdiction Related to Intellectual Property Rights (Art 24(4)) 1. Overview 2. Types of intellectual property rights covered 3. Types of disputes covered 4. The competent court	8.40 8.40 8.41 8.42 8.43		
	VI.	Exclusive Jurisdiction Relating to the Enforcement of Judgments (Art 24(5))	8.47		
9.		ogation of Jurisdiction risco Garcimartin			
	I.	Choice-of-Court Agreements	9.01		
		 Introduction and legislative history Structure of the provision 	9.01 9.09		
		3. The validity and effect of choice-of-court agreements under the Regulation (Art 25(1)–(2))	9.10		

		4. Choice-of-court provisions in trust instruments (Art 25(3))	9.89		
		5. Relationship with other provisions of the Regulation (Art 25(4))	9.91		
		6. Severability of a choice-of-court agreement from the main contract	9.93		
	II.	Submission by Appearance	9.96		
		Introduction and legislative history	9.96		
		2. Scope of application	9.99		
		3. Submission by appearance	9.100		
		4. Relationships with other provisions of the Regulation: protection	0.100		
		of weaker parties (Art 26(2))	9.108		
10.	Examination as to Jurisdiction and Admissibility				
	Xana	ra Kramer			
	I.	Introduction and Legislative History	10.01		
	II.	The Role of National Procedural Law in Establishing Jurisdiction	10.04		
	III.	Obligation to Decline Jurisdiction where Another Member State Court			
		has Exclusive Jurisdiction (Art 27)	10.06		
		1. Comment	10.06		
	IV.	Review of Jurisdiction Prior to Granting a Judgment in Default of			
		Appearance (Art 28)	10.10		
		1. Introduction	10.10		
		2. The obligation to investigate and decline jurisdiction (Art 28(1))	10.11		
		3. The obligation to stay proceedings absent effective service (Art 28(2))4. Application of the Service Regulation or the Hague Service	10.13		
		Convention (Art 28(3)–(4))	10.16		
11.	Lis P	endens and Related Actions			
		a Rogerson (Arts 29–30, 32–34), Matthias Lehmann (Art 31(1)), and			
		cisco Garcimartin (Art 31(2)–(4))			
	I.	Introduction to Arts 29–34	11.01		
	II.	Lis Pendens and Related Actions in Another Member State	11.13		
		Introduction and legislative history	11.13		
		2. Comment	11.16		
	III.	Related Actions in Another Member State	11.30		
		Introduction and legislative history	11.30		
		2. Comment	11.31		
	IV.	Lis Pendens and Exclusive Jurisdiction	11.36		
		1. Introduction and legislative history	11.36		
		2. Situations of multiple exclusive jurisdiction (Art 31(1))	11.39		
		3. Lis pendens and exclusive choice-of-court agreements (Art 31(2)–(4))	11.41		
	V.	Autonomous Determination of the Time at which the Court was Seised	11.61		
		1. Introduction and legislative history	11.61		
		2. Comment	11.62		
	VI.	Lis Pendens and Related Actions in Non-Member States	11.66		
		1. Introduction and legislative history	11.66		
		2. Lis pendens in a non-Member State (Art 33)	11.75		
		3. Related proceedings in a non-Member State (Art 34)	11.89		

12.		isional Measures ud Nuyts	
	I.	Introduction and Legislative History	12.01
	II.	The Two-Track Jurisdictional System for Provisional Measures	12.10
	III.	The Notion of Provisional and Protective Measures 1. The condition that the measures seek to <i>preserve</i> the situation 2. The condition of 'reversibility' of the effect of the measure 3. The specific case of evidential measures	12.19 12.21 12.28 12.34
	IV.	The Territorial Restriction	12.39
13.	Pietr	Recognition and Enforcement of Member State Judgments o Franzina (Arts 36–38), Xandra Kramer (Arts 39–44), and than Fitchen (Arts 45–57)	
	I.	Introduction	13.01
	П.	 The Recognition of Member State Judgments Introduction and legislative history The concept of 'recognition' (Art 36(1)) The scope of a judgment's authority and effectiveness Self-standing declaratory proceedings (Art 36(2)) Recognition as an incidental question (Art 36(3)) Documentary requirements for recognition Suspension of the proceedings in which recognition is invoked 	13.02 13.02 13.07 13.20 13.57 13.81 13.94 13.129
	Ш.	 The Enforcement of Member State Judgments Introduction Automatic enforceability of Member State judgments Provisional and protective measures of enforcement The enforcement procedure Documentation required for enforcement purposes Formal notification of the judgment to the person against whom enforcement is sought Suspension or limitation of enforcement proceedings 	13.160 13.167 13.189 13.198 13.221 13.234 13.243
	IV.	The Refusal of Recognition and Enforcement 1. Refusal of recognition 2. Refusal of enforcement 3. Procedural aspects of the application for refusal 4. The requirement for a prompt decision 5. Appeal against a decision on refusal 6. The possibility of a further appeal 7. Stay of the refusal proceedings	13.255 13.255 13.399 13.409 13.428 13.435 13.441 13.449
	V.	Common Provisions 1. Introduction 2. Prohibition on review of the substance of a judgment (Art 52) 3. Certification of a judgment by the Member State of origin (Art 53) 4. The adaptation of measures not known in the Member State addressed (Art 54) 5. The enforcement of penalty provisions in Member State judgments (Art 55) 6. Prohibition on the requirement of security (Art 56) 7. The provision of translations or transliterations (Art 57)	13.464 13.464 13.465 13.473 13.482 13.502 13.513 13.516

14.	Authentic Instruments and Court Settlements Jonathan Fitchen (Arts 58, 60) and Xandra Kramer (Art 59)			
	I.	 Authentic Instruments (Arts 58 and 60) Introduction and legislative history Authentic instruments in the legal systems of the Member States The autonomous concept of an 'authentic instrument' under the Recast Regulation Enforcement procedure (Art 58(1), second paragraph) Grounds for refusal of enforcement Manifest incompatibility with public policy of the enforcing Member State The recognition of authentic instruments 	14.01 14.07 14.09 14.19 14.22 14.25 14.30	
	II.	Court Settlements (Art 59) 1. Introduction and legislative history 2. Comment	14.32 14.32 14.38	
	III.	The Certification of Authentic Instruments and Court Settlements by the Member State of Origin (Art 60) 1. Introduction and legislative history 2. Competent authority or court of the Member State of origin 3. An 'interested party' 4. The standard form certificate (Annex II)	14.47 14.47 14.49 14.52 14.53	
15.	Mart	ral Provisions in George (Art 61 (jointly), Arts 62–64), Jonathan Fitchen (Art 61 ly)), and Marie-Elodie Ancel (Art 65)	15.01	
	1,	Abolition of Legalization Requirements 1. Introduction and legislative history 2. Comment	15.01 15.03	
	II.	 The Concept of Domicile The domicile of individuals Domicile under the national laws of the Member States The domicile of corporate and unincorporated bodies 	15.06 15.06 15.11 15.14	
	III.	Legal Representation before Criminal Courts 1. Introduction and legislative history 2. Comment	15.26 15.26 15.27	
	IV.	Third-Party Notices 1. Introduction and legislative history 2. Comment	15.31 15.31 15.36	
16.		sitional Provisions ew Dickinson		
	I.	Introduction and Legislative History	16.01	
	II.	Comment	16.03	
17.	Pippa	ionship with Other Instruments A Rogerson (Arts 67–72, 73(3)), Andrea Bonomi (Art 73(1)), Martin Illmer (Art 73(2))		
	I.	Introduction and Brief Legislative History	17.01	

	II.	Relationship with Other EU Instruments (Art 67)	17.04
	III.	Relationship with the 1968 Brussels Convention (Art 68)	17.08
	IV.	Relationship with Pre-Existing Conventions as between the Member States (Arts 69 and 70)	17.09
	V.	Relationship with International Conventions on Jurisdiction and the Recognition and Enforcement of Judgments in Particular	
		Matters (Art 71)	17.12
		1. Introduction and legislative history	17.12
		2. Comment	17.15
	VI.	Conventions with Third States for the Non-Recognition of Member State Judgments (Art 72)	17.25
	VII.	Marcol refractions and the Control of the Control o	17.22
		1. Introduction and legislative history	17.26
		2. Relationship with the 2007 Lugano Convention (Art 73(1))	17.27
		Relationship with the New York Convention Bilateral conventions with third States	17.87 17.88
	T: 1		
18. Final Provisions Andrew Dickinson			
	I.	Publication of information	18.01
		1. National rules and procedures	18.01
		2. Information required by the provisions on the enforcement of judgments	18.02
		3. Information concerning matters of jurisdiction	18.03
	II.	The Adoption of Delegated Acts	18.05
	III.	Review of the Recast Regulation	18.06
	IV.	Repeal of the 2001 Regulation	18.08
	V.	Entry into Force of the Recast Regulation	18.10
App	endix	1A Recast Regulation—English Language (with Annexes)	597
1000		1B Recast Regulation—French Language (Annexes omitted)	633
App	endix	1C Recast Regulation—German Language (Annexes omitted)	659
App	endix	2 Comparison of 2001 Regulation and Recast Regulation	687
App	endix	3 Commission Proposal (Annexes omitted)	747
App	endix	"HET	
		Legal Affairs (JURI) Committee	797
App	endix	5 Information Published by the Commission Pursuant to Art 76	801
Sele	ct Bibl	iography	813
	ndex 8		