
Status: Point in time view as at 14/03/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 44/2001 (repealed). (See end of Document for details)

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of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (repealed)

*Status: Point in time view as at 14/03/2012.**Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 44/2001 (repealed). (See end of Document for details)*[^{F1}ANNEX I**Rules of jurisdiction referred to in Articles 3(2) and 4(2)****Textual Amendments**

F1 Substituted by [Commission Regulation \(EU\) No 156/2012 of 22 February 2012 amending Annexes I to IV to Council Regulation \(EC\) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.](#)

- in Belgium : Articles 5 through 14 of the Law of 16 July 2004 on private international law,
- in Bulgaria : Article 4, paragraph 1, point 2, of the Private International Law Code,
- in the Czech Republic : Article 86 of Act No 99/1963 Coll., the Code of Civil Procedure ('občanský soudní řád'), as amended,
- in Denmark : Article 246(2) and (3) of the Administration of Justice Act ('lov om retsens pleje'),
- in Germany : Article 23 of the code of civil procedure ('Zivilprozeßordnung'),
- in Estonia : Article 86 of the Code of Civil Procedure ('tsiviilkohtumenetluse seadustik'),
- in Ireland : the rules which enable jurisdiction to be founded on the document instituting the proceedings having been served on the defendant during his temporary presence in Ireland,
- in Greece : Article 40 of the code of civil procedure ('Κώδικας Πολιτικής Δικονομίας'),
- in France : Articles 14 and 15 of the civil code ('Code civil'),
- in Italy : Articles 3 and 4 of Law 218 of 31 May 1995,
- in Cyprus : Section 21(2) of the Courts of Justice Law No 14 of 1960, as amended,
- in Latvia : Section 27 and paragraphs 3, 5, 6 and 9 of Section 28 of the Civil Procedure Law ('Civiltieslietu likums'),
- in Lithuania : Article 31 of the Code of Civil Procedure ('Civiltinio proceso kodeksas'),
- in Luxembourg : Articles 14 and 15 of the civil code ('Code civil'),
- in Hungary : Article 57 of Law Decree No 13 of 1979 on International Private Law ('a nemzetközi magánjogról szóló 1979. évi 13. törvényerejű rendelet'),
- in Malta : Articles 742, 743 and 744 of the Code of Organisation and Civil Procedure – Chapter 12 ('Kodiċi ta' Organizzazzjoni u Proċedura Ċivili – Kap. 12') and Article 549 of the Commercial Code – Chapter 13 ('Kodiċi tal-kummerċ – Kap. 13'),
- in Austria : Article 99 of the Law on Court Jurisdiction ('Jurisdiktionsnorm'),
- in Poland : Article 1103, paragraph 4, of the Code of Civil Procedure ('Kodeksu postępowania cywilnego'),
- in Portugal : Article 65(1)(b) of the Code of Civil Procedure ('Código de Processo Civil') in so far as it may encompass exorbitant grounds of jurisdiction, such as the courts for the place in which the branch, agency or other establishment is situated (if situated in Portugal) when the central administration (if situated in a foreign State) is the party sued and Article 10 of the Code of Labour Procedure ('Código de Processo do Trabalho') in so far as it may encompass exorbitant grounds of jurisdiction, such as the courts for the place where the plaintiff is domiciled in proceedings relating to individual contracts of employment brought by the employee against the employer,

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- in Romania : Articles 148-157 of Law No 105/1992 on Private International Law Relations,
- in Slovenia : Article 48(2) of the Private International Law and Procedure Act ('Zakon o mednarodnem zasebnem pravu in postopku') in relation to Article 47(2) of the Civil Procedure Act ('Zakon o pravnem postopku') and Article 58 of the Private International Law and Procedure Act ('Zakon o mednarodnem zasebnem pravu in postopku') in relation to Article 59 of the Civil Procedure Act ('Zakon o pravnem postopku'),
- in Slovakia : Articles 37 to 37e of Act No 97/1963 on Private International Law and the Rules of Procedure relating thereto,
- in Finland : paragraphs 1 and 2 of Section 18(1) of Chapter 10 of the Code of Judicial Procedure ('oikeudenkäymiskaari/rättegångsbalken'),
- in Sweden : the first sentence of the first paragraph of Section 3 of Chapter 10 of the Code of Judicial Procedure ('rättegångsbalken'),
- in the United Kingdom : the rules which enable jurisdiction to be founded on:
 - (a) the document instituting the proceedings having been served on the defendant during his temporary presence in the United Kingdom; or
 - (b) the presence within the United Kingdom of property belonging to the defendant; or
 - (c) the seizure by the plaintiff of property situated in the United Kingdom.

ANNEX II

The courts or competent authorities to which the application referred to in Article 39 may be submitted are the following:

- in Belgium, the 'tribunal de première instance' or 'rechtbank van eerste aanleg' or 'erstinstanzliches Gericht',
- in Bulgaria, the 'окръжният съд',
- in the Czech Republic, the 'okresní soud' or 'soudní exekutor',
- in Denmark, the 'byret',
- in Germany:
 - (a) the presiding judge of a chamber of the 'Landgericht';
 - (b) a notary in a procedure of declaration of enforceability of an authentic instrument,
- in Estonia, the 'maakohus' (county court),
- in Ireland, the 'High Court',
- in Greece, the 'Μονομελές Πρωτοδικείο',
- in Spain, the 'Juzgado de Primera Instancia',
- in France:
 - (a) the 'greffier en chef du tribunal de grande instance';

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- (b) the ‘président de la chambre départementale des notaires’ in the case of application for a declaration of enforceability of a notarial authentic instrument,
- in Italy, the ‘corte d’appello’,
 - in Cyprus, the ‘Επαρχιακό Δικαστήριο’ or in the case of a maintenance judgment the ‘Οικογενειακό Δικαστήριο’,
 - in Latvia, the ‘rajona (pilsētas) tiesa’,
 - in Lithuania, the ‘Lietuvos apeliacinis teismas’,
 - in Luxembourg, the presiding judge of the ‘tribunal d’arrondissement’,
 - in Hungary, the ‘megyei bíróság székhelyén működő helyi bíróság’, and in Budapest the ‘Budai Központi Kerületi Bíróság’,
 - in Malta, the ‘Prim’ Awla tal-Qorti Ċivili’ or ‘Qorti tal-Maġistrati ta’ Ghawdex fil-gurisdizzjoni superjuri tagħha’, or, in the case of a maintenance judgment, the ‘Registatur tal-Qorti’ on transmission by the ‘Ministru responsabbli għall-Gustizzja’,
 - in the Netherlands, the ‘voorzieningenrechter van de rechtbank’,
 - in Austria, the ‘Bezirksgericht’,
 - in Poland, the ‘sąd okręgowy’,
 - in Portugal, the ‘Tribunal de Comarca’,
 - in Romania, the ‘Tribunal’,
 - in Slovenia, the ‘okrožno sodišče’,
 - in Slovakia, ‘okresný súd’,
 - in Finland, the ‘käräjäoikeus/tingsrätt’,
 - in Sweden, the ‘Svea hovrätt’,
 - in the United Kingdom:
 - (a) in England and Wales, the *High Court of Justice*, or in the case of a maintenance judgment to the *Magistrates’ Court* on transmission by the Secretary of State;
 - (b) in Scotland, the *Court of Session*, or in the case of a maintenance judgment, the *Sheriff Court* on transmission by the Scottish Ministers;
 - (c) in Northern Ireland, the *High Court of Justice*, or in the case of a maintenance judgment, the *Magistrates’ Court* on transmission by the Department of Justice;
 - (d) in Gibraltar, the *Supreme Court of Gibraltar*, or in the case of a maintenance judgment, the *Magistrates’ Court* on transmission by the Attorney General of Gibraltar.

ANNEX III

The courts with which appeals referred to in Article 43(2) may be lodged are the following:

- in Belgium,
 - (a) as regards appeal by the defendant, the ‘tribunal de première instance’ or ‘rechtbank van eerste aanleg’ or ‘erstinstanzliches Gericht’;
 - (b) as regards appeal by the applicant: the ‘Cour d’appel’ or ‘hof van beroep’,

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 44/2001 (repealed). (See end of Document for details)

- in Bulgaria, the ‘Апелативен съд – София’,
- in the Czech Republic, the court of appeal through the district court,
- in Denmark, the ‘landsret’,
- in Germany, the ‘Oberlandesgericht’,
- in Estonia, the ‘ringkonnakohus’,
- in Ireland, the High Court,
- in Greece, the ‘Εφετείο’,
- in Spain, the ‘Juzgado de Primera Instancia’ which issued the contested decision, with the appeal to be solved by the ‘Audiencia Provincial’,
- in France:
 - (a) the ‘cour d’appel’ on decisions allowing the application;
 - (b) the presiding judge of the ‘tribunal de grande instance’, on decisions rejecting the application,
- in Italy, the ‘corte d’appello’,
- in Cyprus, the ‘Επαρχιακό Δικαστήριο’ or in the case of a maintenance judgment the ‘Οικογενειακό Δικαστήριο’,
- in Latvia, the ‘Apgabaltiesa’ via the ‘rajona (pilsētas) tiesa’,
- in Lithuania, the ‘Lietuvos apeliacinis teismas’,
- in Luxembourg, the ‘Cour supérieure de justice’ sitting as a court of civil appeal,
- in Hungary, the local court situated at the seat of the county court (in Budapest, the Central District Court of Buda); the appeal is adjudicated by the county court (in Budapest, the Capital Court),
- in Malta, the ‘Qorti ta’ l-Appell’ in accordance with the procedure laid down for appeals in the ‘Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili – Kap. 12’ or in the case of a maintenance judgment by ‘ċitazzjoni’ before the ‘Prim’ Awla tal-Qorti ċivili jew il-Qorti tal-Maġistrati ta’ Għawdex fil-ġurisdizzjoni superjuri tagħha’,
- in the Netherlands, the ‘rechtbank’,
- in Austria, the ‘Landesgericht’ via the ‘Bezirksgericht’,
- in Poland, the ‘sąd apelacyjny’ via the ‘sąd okręgowy’,
- in Portugal, the ‘Tribunal da Relação’ is the competent court. The appeals are launched, in accordance with the national law in force, by way of a request addressed to the court which issued the contested decision,
- in Romania, the ‘Curte de Apel’,
- in Slovenia, the ‘okrožno sodišče’,
- in Slovakia, the court of appeal through the district court whose decision is being appealed,
- in Finland, the ‘hovioikeus/hovrätt’,
- in Sweden, the ‘Svea hovrätt’,
- in the United Kingdom:
 - (a) in England and Wales, the *High Court of Justice*, or in the case of a maintenance judgment the *Magistrates’ Court*;
 - (b) in Scotland, the *Court of Session*, or in the case of a maintenance judgment the *Sheriff Court*;
 - (c) in Northern Ireland, the *High Court of Justice*, or in the case of a maintenance judgment, the *Magistrates’ Court*;

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 44/2001 (repealed). (See end of Document for details)

- (d) in Gibraltar, the *Supreme Court of Gibraltar*, of in the case of a maintenance judgment, the *Magistrates' Court*.

ANNEX IV

The appeals which may be lodged pursuant to Article 44 are the following:

- in Belgium, Greece, Spain, France, Italy, Luxembourg and the Netherlands, an appeal in cassation,
- in Bulgaria, ‘обжалване пред Върховния касационен съд’,
- in the Czech Republic, a ‘dovolání’ and a ‘žaloba pro zmatečnost’,
- in Denmark, an appeal to the ‘Højesteret’ with leave from the ‘Procesbevillingsnævnet’,
- in Germany, a ‘Rechtsbeschwerde’,
- in Estonia, a ‘kassatsioonikaebus’,
- in Ireland, an appeal on a point of law to the Supreme Court,
- in Cyprus, an appeal to the Supreme Court,
- in Latvia, by an appeal in cassation to the ‘Augstākās tiesas Senāta’ via the ‘Apgabaltiesā’,
- in Lithuania, an appeal in cassation to the ‘Lietuvos Aukščiausiasis Teismas’,
- in Hungary, ‘felülvizsgálati kérelem’,
- in Malta, no further appeal lies to any other court; in the case of a maintenance judgment the ‘Qorti ta’ l-Appell’ in accordance with the procedure laid down for appeal in the ‘kodiċi ta’ Organizzazzjoni u Procedura Ċivili – Kap. 12’,
- in Austria, a ‘Revisionsrekurs’,
- in Poland, ‘skarga kasacyjna’,
- in Portugal, an appeal on a point of law,
- in Romania, a ‘contestatie in anulare’ or a ‘revizuire’,
- in Slovenia, an appeal to the ‘Vrhovno sodišče Republike Slovenije’,
- in Slovakia, the ‘dovolanie’,
- in Finland, an appeal to the ‘korkein oikeus/högsta domstolen’,
- in Sweden, an appeal to the ‘Högsta domstolen’,
- in the United Kingdom, a single further appeal on a point of law.]

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*Changes to legislation: There are currently no known outstanding effects for the
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ANNEX V

Certificate referred to in Articles 54 and 58 of the Regulation on judgments and court settlements

(English, inglés, anglais, inglese, ...)

1. Member State of origin
2. Court or competent authority issuing the certificate
 - 2.1. Name
 - 2.2. Address
 - 2.3. Tel./fax/e-mail
3. Court which delivered the judgment/approved the court settlement (*)
 - 3.1. Type of court
 - 3.2. Place of court
4. Judgment/court settlement (*)
 - 4.1. Date
 - 4.2. Reference number
 - 4.3. The parties to the judgment/court settlement (*)
 - 4.3.1. Name(s) of plaintiff(s)
 - 4.3.2. Name(s) of defendant(s)
 - 4.3.3. Name(s) of other party(ies), if any
 - 4.4. Date of service of the document instituting the proceedings where judgment was given in default of appearance
 - 4.5. Text of the judgment/court settlement (*) as annexed to this certificate
5. Names of parties to whom legal aid has been granted

The judgment/court settlement (*) is enforceable in the Member State of origin (Articles 38 and 58 of the Regulation) against:

Name:

Done at, date

Signature and/or stamp

Status: Point in time view as at 14/03/2012.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 44/2001 (repealed). (See end of Document for details)

ANNEX VI

Certificate referred to in Article 57(4) of the Regulation on authentic instruments

(English, inglés, anglais, inglese)

- 1. Member State of origin
- 2. Competent authority issuing the certificate
 - 2.1. Name
 - 2.2. Address
 - 2.3. Tel./fax/e-mail
- 3. Authority which has given authenticity to the instrument
 - 3.1. Authority involved in the drawing up of the authentic instrument (if applicable)
 - 3.1.1. Name and designation of authority
 - 3.1.2. Place of authority
 - 3.2. Authority which has registered the authentic instrument (if applicable)
 - 3.2.1. Type of authority
 - 3.2.2. Place of authority
- 4. Authentic instrument
 - 4.1. Description of the instrument
 - 4.2. Date
 - 4.2.1. on which the instrument was drawn up
 - 4.2.2. if different: on which the instrument was registered
 - 4.3. Reference number
 - 4.4. Parties to the instrument
 - 4.4.1. Name of the creditor
 - 4.4.2. Name of the debtor
- 5. Text of the enforceable obligation as annexed to this certificate

The authentic instrument is enforceable against the debtor in the Member State of origin (Article 57(1) of the Regulation)

Done at, date

Signature and/or stamp



Status:

Point in time view as at 14/03/2012.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 44/2001 (repealed).