

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)

CHAPTER II

**JURISDICTION**

*SECTION 9*

***Lis pendens — related actions***

*Article 29*

1 Without prejudice to Article 31(2), where proceedings involving the same cause of 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.

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.

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.

*Article 30*

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.

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.

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.

*Article 31*

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.

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 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.

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.

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.

#### *Article 32*

- 1 For the purposes of this Section, a court shall be deemed to be seised:
- 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
  - 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.

The authority responsible for service referred to in point (b) shall be the first authority receiving the documents to be served.

- 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.

#### *Article 33*

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:

- 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
- b the court of the Member State is satisfied that a stay is necessary for the proper administration of justice.

- 2 The court of the Member State may continue the proceedings at any time if:
- a the proceedings in the court of the third State are themselves stayed or discontinued;
  - 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
  - c the continuation of the proceedings is required for the proper administration of justice.

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.

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.

#### *Article 34*

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 the proceedings if:

- a it is expedient to hear and determine the related actions together to avoid the risk of irreconcilable judgments resulting from separate proceedings;

- 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
  - c the court of the Member State is satisfied that a stay is necessary for the proper administration of justice.
- 2 The court of the Member State may continue the proceedings at any time if:
- a it appears to the court of the Member State that there is no longer a risk of irreconcilable judgments;
  - b the proceedings in the court of the third State are themselves stayed or discontinued;
  - 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
  - d the continuation of the proceedings is required for the proper administration of justice.
- 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.
- 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.