



STATUTORY INSTRUMENTS.

**S.I. No. 6 of 2015**



EUROPEAN UNION (CIVIL AND COMMERCIAL JUDGMENTS)  
REGULATIONS 2015

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I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012<sup>1</sup> on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), hereby make the following Regulations:

*Citation*

1. These Regulations may be cited as the European Union (Civil and Commercial Judgments) Regulations 2015.

*Commencement*

2. These Regulations shall come into operation on 10 January 2015.

*Interpretation*

3. (1) In these Regulations—

“Brussels I Regulation (recast)” means 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);

“judgment” means a judgment to which the Brussels I Regulation (recast) applies and, except in Regulations 5 and 9, includes an authentic instrument and a court settlement to which the Brussels I Regulation (recast) applies;

“Member State” means a Member State of the European Union other than the State;

“Regulations of 2002” means the European Communities (Civil and Commercial Judgments) Regulations 2002 (S.I. No. 52 of 2002).

(2) In these Regulations, a reference to a Chapter or an Article is a reference to a Chapter or an Article of the Brussels I Regulation (recast).

<sup>1</sup>OJ No. L351, 20.12.2012, p.1.

(3) A word or expression that is used in these Regulations and is also used in the Brussels I Regulation (recast) has the same meaning in these Regulations as it has in the Brussels I Regulation (recast).

*Enforcement of judgments*

4. Where a judgment given in a Member State is enforceable in that Member State it—

- (a) shall be of the same force and effect as a judgment of the High Court, and
- (b) may be enforced by the High Court, and proceedings taken on it, as if it were a judgment of that Court.

*Applications in relation to refusal of recognition or enforcement of judgments, authentic instruments and court settlements*

5. (1) An application under the Brussels I Regulation (recast) for—

- (a) the recognition of a judgment to be refused,
- (b) the enforcement of a judgment, authentic instrument or court settlement to be refused, or
- (c) a decision that there are no grounds for refusal of recognition of a judgment,

shall be made to the High Court.

(2) The High Court shall determine the application by order in accordance with the Brussels I Regulation (recast).

(3) An order under paragraph (2) in respect of an application pursuant to paragraph (1)(a) or (b) may provide for—

- (a) the refusal of recognition of part only of the judgment concerned, or
- (b) the refusal of enforcement of part only of the judgment, authentic instrument or settlement concerned,

as the case may be.

*Application to suspend enforcement proceedings*

6. (1) For the purposes of Article 44.2 where an application is made for the suspension of enforcement proceedings by the person against whom enforcement is sought, a duly authenticated copy of the judgment suspending the enforceability of the judgment concerned in the Member State of origin shall be proof that the enforceability of that judgment has been suspended in that Member State unless the contrary is shown.

(2) Where the duly authenticated copy of a judgment referred to in paragraph (1) is in a language other than one of the official languages of the State, it shall be accompanied by a translation of that judgment into one of those languages.

*Adaptation*

7. (1) A person seeking the adaptation of a measure or an order in a judgment pursuant to Article 54.1 (“the applicant”) shall make an *ex parte* application for such adaptation to the Master of the High Court.

(2) The Master shall determine the application by order in accordance with the Brussels I Regulation (recast).

(3) Where the Master makes an order adapting a measure or an order in a judgment pursuant to paragraph (2), the applicant shall serve a copy of the order on the person against whom enforcement is sought.

*Provisional, including protective, measures*

8. (1) The High Court may, on application to it pursuant to Article 35, grant any provisional measures, including protective measures, that the Court has power to grant in proceedings that, apart from these Regulations, are within its jurisdiction if—

- (a) proceedings have been or are to be commenced in a Member State, and
- (b) the subject matter of the proceedings is within the scope of the Brussels I Regulation (recast) (whether or not that Regulation has effect in relation to the proceedings).

(2) On such an application the High Court may refuse to grant the measures sought if, in its opinion, the fact that, apart from this Regulation, the Court does not have jurisdiction in relation to the subject matter of the proceedings makes it inexpedient for it to grant the measures.

*Proof and admissibility of judgments and certain translations*

9. (1) For the purposes of the Brussels I Regulation (recast), a document that is duly authenticated and purports to be a copy of a judgment shall without further proof be deemed to be such a copy, unless the contrary is shown.

(2) A document purporting to be a copy of a judgment shall be regarded for those purposes as being duly authenticated if it purports—

- (a) to bear the seal of the court or authority concerned, or
  - (b) to be certified by a judge or officer of the court or authority to be a true copy of the judgment.
- (3) A document that—
- (a) purports to be a translation of—
    - (i) a judgment given by a court of a Member State,
    - (ii) an authentic instrument,
    - (iii) a court settlement, or

(iv) a certificate referred to in Article 53 or 60,

and

(b) is certified as correct by a person competent to do so,

shall be admissible as evidence of the document of which it purports to be a translation.

*Domicile*

10. (1) For the purposes of the Brussels I Regulation (recast) and these Regulations—

- (a) a person is domiciled in the State or another state (not being a Member State) if he or she is ordinarily resident in the State or that other state,
- (b) a person is domiciled in a place in the State only if he or she is domiciled in the State and is ordinarily resident or carries on any profession, business or occupation in that place, and
- (c) a trust is domiciled in the State only if the law of the State is the system of law with which the trust has its closest and most real connection.

*Venue for certain proceedings*

11. (1) Subject to Chapter II, the jurisdiction of the Circuit Court in proceedings that may be instituted in the State by virtue of Article 4, 11(1)(a), 14, 18, 21(1)(a) or 22 or the proviso to Article 24(1) shall be exercised by the judge of the Court for the time being assigned to the circuit where the defendant, or one of the defendants, ordinarily resides or carries on any profession, business or occupation.

(2) Paragraph (1) shall apply where, apart from that paragraph, the Circuit Court's jurisdiction would be determined by reference to the place where the defendant resides or carries on business.

(3) The jurisdiction of the Circuit Court or District Court in proceedings that may be instituted in the State under Article 11(1)(b) or 18 by a plaintiff domiciled in the State shall be exercised by the judge for the time being assigned—

- (a) in the case of the Circuit Court, to the circuit, and
- (b) in the case of the District Court, to the district court district,

in which the plaintiff or one of the plaintiffs ordinarily resides or carries on any profession, business or occupation.

(4) The jurisdiction of the Circuit Court or District Court in proceedings that may be instituted in the State under Article 21(1)(b)(i) shall be exercised by the judge for the time being assigned—

- (a) in the case of the Circuit Court, to the circuit, and

(b) in the case of the District Court, to the district court district, in which the plaintiff ordinarily carries on or last carried on any profession, business or occupation.

*Restriction of Jurisdiction of Courts and Enforcement of Judgments Act 1998*

12. The Jurisdiction of Courts and Enforcement of Judgments Act 1998 (No. 52 of 1998) shall, except as provided in Article 68, not apply as between the State and Member States.

*Transitional provision*

13. Notwithstanding the revocation by Regulation 14 of the Regulations of 2002, those Regulations shall continue to apply in the circumstances provided for in—

(a) Article 66(2), and

(b) Article 75 of Council Regulation (EC) No. 4/2009 of 18 December 2008<sup>2</sup> on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, other than paragraphs 2(a) and (b) of that Article.

*Revocation*

14. The European Communities (Civil and Commercial Judgments) Regulations 2002 (S.I. No. 52 of 2002) are revoked.



GIVEN under my Official Seal,  
9 January 2015.

FRANCES FITZGERALD,  
Minister for Justice and Equality.

<sup>2</sup>OJ No. L7, 10.1.2009, p. 1.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

This Regulation makes provision for the administrative and procedural arrangements associated with the coming into operation of 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).

The Regulation comes into operation on 10 January 2015 and, notwithstanding recital 41 to the Regulation which specifies that it does not apply to Denmark, that Member State has notified the European Commission of its decision to apply the contents of the Regulation with effect from 10 January 2015.

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