

European Kodex of Private international Law 2023

Cases & materials on European private
international law

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29th June 2023

ISBN: 978-84-09-52686-4

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This work has been generously sponsored by:

(1) Esta publicación es parte del proyecto de I+D+i PID2021-124298OB-I00, financiado por MCIN/AEI/10.13039/501100011033/: Proyecto PID2021-124298OB-I00 financiado por MCIN/ AEI /10.13039/501100011033/ y por FEDER Una manera de hacer Europa "Derecho global y crisis sanitarias: hacia una convención mundial contra las pandemias (CONCOPAN)".

(2) Grupo Accursio: investigación, docencia y práctica del Derecho internacional privado (www.accursio.com), dirigido por Javier Carrascosa.

(3) Grupo de Innovación Docente GID 22 "Ciencia jurídica aplicada y docencia creativa" de la Universidad de Murcia (coordinador: Javier Carrascosa).

(4) Grupo de investigación de la Universidad de Murcia E070-05 "Derecho internacional privado europeo" (IP Javier Carrascosa).

(5) "Red Europa-España de Derecho internacional privado", (coordinador: Javier Carrascosa - <http://accursio.com/karras/REDEUROPAESPA%c3%91A/index.html>).

(6) Grupo de investigación y reflexión cultural "Lex Artis" (coordinador: Javier Carrascosa).



Murcia, Spain, June 2023

PREFACE

The authors want this work to be able to operate as an instrument for improving legal quality in the practical application and in the study of private international law in the English language. In this sense, any opinion on "*The European Kodex of Private international law*" will be very well received, as it will help to outline, polish and improve these materials for the benefit of all legal operators dedicated to private international law and, ultimately, for the benefit of a correct and useful practice of this fascinating sector of law. You wanted the best, you have got the best. The hottest compilation of European private international law in the world, *Kodex 2023*.

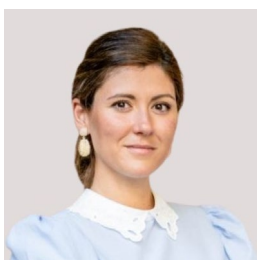
Madrid – Murcia / 29th June 2023

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1.- CONSOLIDATED VERSION OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND EUROPEAN PRIVATE INTERNATIONAL LAW REGULATIONS AND DIRECTIVES

(0) Consolidated Version of the treaty on the functioning of the European Union
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

(1) Regulation (EU) 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast). (Brussels I-bis regulation).

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:351:0001:0032:en:PDF>

(2) Regulation 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), known as the Brussels II-ter Regulation.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1111&from=EN>

(3) Regulation 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (Rome III).

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R1259&from=EN>

(4) Regulation 593/2008 of 17 June 2008 on the law applicable to contractual obligations (Rome I).

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:177:0006:0016:EN:PDF>

(5) Regulation 864/2007 of 11 July 2007 on the law applicable to non-contractual obligations (Rome II).

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R0864&from=EN>

(6) Regulation 2015/848 of 20 May 2015 on insolvency proceedings (recast).

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R0848&from=en>

(7) Regulation 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to

maintenance obligation.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R0004&from=EN>

(8) Regulation 650/2012 of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R0650&from=EN>

(9) Regulation 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regime.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1103&from=EN>

(10) Regulation 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1104&from=EN>

(11) Directive 2008/52/EC of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0052&from=EN>

(13) Regulation 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0606&from=EN>

2.- European civil procedure regulations.

(1) Regulation 2020/1784 of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast)

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1784&from=EN>

(2) Regulation 2020/1783 of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1783&from=EN>

3.- European harmonized civil proceedings.

(1) Regulation 861/2007 of 11 July 2007 establishing a European Small Claims Procedure.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R0861&from=EN>

(2) Regulation 1896/2006 of 12 December 2006 creating a European order for payment procedure.

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(3) Regulation 805/2004 of 21 April creating a European Enforcement Order for uncontested claims.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0805&from=EN>

(4) Regulation 655/2014 of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0655&from=EN>

4.- International conventions in force in the European Union.

(1) Convention of 30 October 2007 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Lugano II Convention)

[https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22007A1221\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22007A1221(03)&from=EN)

(2) Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed in Lugano on 30 October 2007 EXPLANATORY REPORT by Professor Fausto Pocar (Holder of the Chair of International Law at the University of Milan).

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009XG1223\(04\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009XG1223(04)&from=EN)

(3) Protocol of 23 November 2007 on the law applicable to maintenance obligations.

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2009_331_R_0017_01&from=HR

(4) The Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (HCCH 2007 Child Support Convention)

<https://www.hcch.net/en/instruments/conventions/full-text/?cid=131>

5.- Other international conventions relevant to the Member States.

(1) The Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions (HCCH 1961 Form of Wills Convention)

<https://assets.hcch.net/docs/b67e23f7-bcf7-4cc6-aea9-26ea825c56c4.pdf>

(2) The Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (HCCH 1961 Apostille Convention)

<https://assets.hcch.net/docs/b12ad529-5f75-411b-b523-8eebe86613c0.pdf>

(3) The Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (HCCH 1965 Service Convention)

<https://assets.hcch.net/docs/f4520725-8cbd-4c71-b402-5aae1994d14c.pdf>

(4) The Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (HCCH 1970 Evidence Convention)

<https://assets.hcch.net/docs/dfed98c0-6749-42d2-a9be-3d41597734f1.pdf>

(5) The Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HCCH 1980 Child Abduction Convention)

<https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>

(6) The Convention of 1 July 1985 on the Law Applicable to Trusts and on their Recognition (HCCH 1985 Trusts Convention)

<https://assets.hcch.net/docs/8618ed48-e52f-4d5c-93c1-56d58a610cf5.pdf>

(7) The Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (HCCH 1993 Adoption Convention)

<https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>

(8) United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958)

<https://www.newyorkconvention.org/english>

(9) European Convention on International Commercial Arbitration, Geneva, 21 April 1961

https://treaties.un.org/doc/Treaties/1964/01/19640107%2002-01%20AM/Ch_XXII_02p.pdf

(10) Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children

<https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>

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1. ECJ 20 February 1979, C-122/78, *Cassis de Dijon* [ECLI:EU:C:1979:42].
<https://curia.europa.eu/juris/showPdf.jsf?text=&docid=90055&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=6456250>
2. ECJ (Fifth Chamber) 9 November 2000, C-381/98, *Ingmar GB Ltd vs Eaton Leonard Technologies Inc.* (Digest of jurisprudence 2000 p. I-09305).
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=45788&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=6853258>
3. EJC 1 June 1999, C-126/97, *Eco Swiss China Time Ltd vs. Benetton International NV, Compilation*, 1999, p. I-03055 [ECLI:EU:C:1999:269]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=44616&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=6853258>
4. EJC (Grand Chamber) 17 julio 2014, C-58/13 y C-59/13, *A.A. Torresi / P. Torresi vs. Consiglio dell'Ordine degli Avvocati di Macerata* [ECLI:EU:C:2014:2088]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=164902&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8427467>.
5. Judgement 1/03 of the Court of Justice (plenary session), of 7 February 2006, "Competence of the Community to celebrate the new Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters".
6. Judgement 1/13 of the Court of Justice (Grand Chamber) 14 October 2014, "Convention about civil matters of international child abduction"
7. ECJ 27 February 2014, C-470/12, *Pohotovost* [ECLI:EU:C:2014:101].
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=160906&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8427467>
8. ECJ 7 May 2019, C-431/17, *Monachos Eirinaios, kata kosmon Antonios Giakoumakis tou Emmanouil vs. Dikigorikos Syllogos Athinon* [ECLI:EU:C:2019:368]
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9. ECJ 6 March 2018, C-284/16, *Slowakische Republik vs. Achmea BV* [ECLI:EU:C:2018:158].
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=205702&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8427467>
10. ECJ 23 November 1999, C-369/96 / C-376/96, *Arblade* [ECLI:EU:C:1999:575].
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=44860&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8427467>
11. ECJ 8 March 2022, C-205/20, *NE vs. Bezirkshauptmannschaft Hartberg-Fürstenfeld*, [ECLI:EU:C:2022:168] [Freedom to provide services – Posting of workers – Directive 2014/67/EU – Article 20 – Penalties – Proportionality – Direct effect – Principle of primacy of EU]
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12. STJUE 26 junio 2018, C-451/16, *MB vs. Secretary of State for Work and Pensions* [ECLI:EU:C:2018:492]
<https://curia.europa.eu/juris/document/document.jsf?jsessionId=9D152FC973C89660FF36E7B74460E76C?text=&docid=203337&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=24378245>

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13. ECJ 30 March 1993, *Konstantinidis* [ECLI:EU:C:1993:115]
<https://curia.europa.eu/juris/showPdf.jsf?text=&docid=97929&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8427467>
14. ECJ 2 October 2003, *Garcia Avello*, C-148/02 [ECLI:EU:C:2003:539]
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15. ECJ 14 October 2008, C-353/06, *Grunkin-Paul* [Recopilation, 2008, p. I-07639] [ECLI:EU:C:2008:559]

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16. ECJ 22 December 2010, C-208/09, *Wittgenstein* [ECLI:EU:C:2010:806]

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17. ECJ 12 May 2011, C-391/09, *Vardyn* [ECLI:EU:C:2011:291]

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18. ECJ 2 June 2016, C-438/14, *Wolffersdorff* [ECLI:EU:C:2016:401]

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19. ECJ 8 July 2017, C-541/15, *Mircea Florian Freitag* [ECLI:EU:C:2017:432]

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20. ECJ 5 June 2018, C-673/16, *Coman-Hamilton* [ECLI:EU:C:2018:385]

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21. ECJ 14 December 2021, C-490/20, *V.M.A. vs. Stolichna obshtina, rayon «Pancharevo»* [ECLI:EU:C:2021:1008]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=251201&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8480300>

22. ECJ 18 January 2022, C-118/20, *JY vs. Wiener Landesregierung* [ECLI:EU:C:2022:34] [Croatian national who loses her nationality in order to become an Austrian national]

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23. Auto TJUE 24 junio 2022, C-2/21, *SRS - Rzecznik Praw Obywatelskich K.S., S.V.D., Prokurator Prokuratury Okręgowej w Krakowie, M. C., Prokuratura Krajowa, Kierownik Urzędu Stanu cywilnego w Krakowie*, [ECLI:EU:C:2022:502]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=262081&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=24378590>

III. *European citizenship and familiar reunification matters.*

24. ECJ 2 December 1997, C-336/94, *Dafeki* [ECLI:EU:C:1997:579]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=43462&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=6853258>

25. ECJ 30 April 1996, C-214/94, *Boukhalfa* [ECLI:EU:C:1996:174]

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26. ECJ 10 June 1999, C-430/97, *Johannes* [ECLI:EU:C:1999:293]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=44239&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=8480300>

27. ECJ 7 July 1992, C-369/90, *Micheletti* [ECLI:EU:C:1992:295]

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28. ECJ 2 March 2010, C-135/08, *Rottmann* [ECLI:EU:C:2010:104]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=78919&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=8480300>

29. ECJ 26 March 2019, C-129/18, *SM vs. Entry Clearance Officer* [ECLI:EU:C:2019:248]

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30. ECJ 12 March 2019, C-221/17, *M.G. Tjebbes, G.J.M. Koopman, E. Saleh Abady, L. Duboux vs. I Minister van Buitenlandse Zaken* [ECLI:EU:C:2019:189]

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IV. *Legal persons*

- 31.** ECJ 27 September 1988, 81/87, *Daily Mail* [ECLI:EU:C:1988:456]
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- 32.** ECJ 9 March 1999, C-212/97, *Centros* [ECLI:EU:C:1999:126]
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- 33.** ECJ 30 September 2003, C-167/01, *Inspire Art* [ECLI:EU:C:2003:512]
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- 35.** ECJ 12 September 2006, C-196/04, *Cadbury Schweppes y Cadbury Schweppes Overseas* [ECLI:EU:C:2006:544]
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- 36.** ECJ 16 December 2008, C-210/06, *Cartesio* [ECLI:EU:C:2008:723]
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- 37.** ECJ 12 July 2012, C-378/10, *VALE Építési Kft.* [ECLI:EU:C:2012:440]
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- 38.** ECJ 25 October 2017, C-106/16, *Polbud* [ECLI:EU:C:2017:804]
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V. *Freedom of movement of workers.*

- 39.** ECJ 10 February 2022, C-219/20, *LM vs. Bezirkshauptmannschaft Hartberg-Fürstenfeld*, [ECLI:EU:C:2022:89] [workers from Eslovaquia to Austria]
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Court of Justice of the European Union. European Private International Law.

I. Judgements of ECJ related to Brussels I bis 1215/2012 (recognition and enforcement of judgements in civil and commerce matters).

(1) ECJ 6 October 1976, 12/76, *Tessili vs. Dunlop*, *Recueil*, 1976, pp. 1473-1495 [ECLI:EU:C:1976:133]

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(3) ECJ 14 October 1976, 29/76, *L.T.U. vs. Eurocontrol*, *Recueil*, 1976, pp. 1541-1560. [ECLI:EU:C:1976:137]

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(4) ECJ 30 November 1976, 21/76, *Bier vs. Mines de Potasse d'Alsace*, *Recueil*, 1976, pp. 1735-1758 [ECLI:EU:C:1976:166]

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[ECLI:EU:C:1980:70]

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El código ECLI de esta sentencia es incorrecto, al buscarlo me redirige a la sentencia del 27 de octubre de 1998, C-51/97

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Esta sentencia no se encuentra en ingles, los unicos idiomas disponibles son frances y

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Solo se encuentra en francés y croata

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- (1) ECJ 17 February 2011, C-283/09, *Artur Weryński* [ECLI:EU:C:2011:85]
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- (3) ECJ 21 February 2013, C-332/11, *ProRail* [ECLI:EU:C:2013:87]
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- (4) ECJ 9 September 2021, C-208/20 y C-256/20, *Toplofikatsia Sofia» EAD,, CHEZ Elektro Bulgaria» AD, Agentsia za control na prosrocheni zadalzenia» EOOD (asunto C-208/20), vs. Toplofikatsia Sofia» EAD (asunto C-256/20)*, [ECLI:EU:C:2021:719]
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- (1) ECJ 5 December 2013, C-508/12, *Walter Vapenik* [ECLI:EU:C:2013:790]
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- (2) ECJ 17 December 2015, C-300/14, *Imtech Marine Belgium NV* [ECLI:EU:C:2015:825]
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- (3) ECJ 16 June 2016, C-511/14, *Pebros Servizi srl vs. Aston Martin Lagonda Ltd* [ECLI:EU:C:2016:448]
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- (4) ECJ 9 March 2017, C-484/15, *Ibrica Zulfikarpašić vs. Slaven Gajer* [ECLI:EU:C:2017:199]
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- (5) ECJ 28 February 2018, C-289/17, *Collect Inkasso* [ECLI:EU:C:2018:133]
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- (6) ECJ 27 June 2019, C-518/18, *RD vs. SC* [ECLI:EU:C:2019:546]
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- (5) ECJ 23 May 2019, C-658/17, *WB, Przemysława Bac* [ECLI:EU:C:2019:444]
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Third Part
Judgements of the Permanent Court of International Justice, The International Court of Justice, the Permanent Court of Arbitration and the European Court of Human Rights relevant to private international Law

I. Resolutions of PCIJ, ICJ and PCA.

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