

European Kodex

of

Private international Law

2024 - *2nd edition*

Cases & materials on European private
international law

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St. Helen with the Holy Cross of Jerusalem A.D. 326

- Picture taken in the Basilica of the Holy Cross of Jerusalem in Rome A.D. 2024 -

29th July 2023

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Murcia, Spain, July 2024

PREFACE

The authors want this work to be able to operate as an useful 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 2024 - 2nd edition*" 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 2024, 2nd edition*.

Madrid – Murcia / 29th July 2023

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(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.

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

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(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

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SECOND SECTION

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prepared by

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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).
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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".
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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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Solo se encuentra en francés y croata

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- (42) ECJ 10 February 2022, C-522/20, *OE vs. VY*, [ECLI:EU:C:2022:87]
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(49) ECJ 6 July 2023, C-462/22, *BM vs. LO* [ECLI:EU:C:2023:553] [divorce in Germany and habitual residence of the plaintiff]

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- (2) ECJ 15 March 2011, C-29/10, *Heiko Koelzsch* [ECLI:EU:C:2011:151]
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- (3) ECJ 12 September 2013, C-64/12, *Anton Schlecker* [ECLI:EU:C:2013:551]
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- (5) ECJ 21 January 2016 , C-359/14 y C-475/14, *ERGO Insurance* [ECLI:EU:C:2016:40]
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- (7) ECJ 28 July 2016, C-191/15, *Verein für Konsumenteninformation vs. Amazon EU Sàrl* [ECLI:EU:C:2016:612]
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- (8) ECJ 18 October 2016, C-135/15, *Republik Griechenland vs. Grigorios Nikiforidis* [ECLI:EU:C:2016:774]
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- (9) ECJ 8 May 2019, C-25/18, *Brian Andrew Kerr vs. Pavlo Postnov, Natalia Postnova*, [ECLI:EU:C:2019:376]
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- (10) ECJ 3 October 2019, C-272/18, *Verein für Konsumenteninformation vs. TVP Treuhand- und Verwaltungsgesellschaft für Publikumsfonds mbH & Co KG*, [ECLI:EU:C:2019:827]
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(13) ECJ 10 February 2022, C-595/20, *UE vs. ShareWood Switzerland AG VF*, [ECLI:EU:C:2022:86]

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- (1) ECJ 17 November 2011, C-412/10, *Homawoo vs GMF Assurances SA*
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- (2) ECJ 10 December 2015, C-350/14, *Florin Lazar vs Allianz SpA* [ECLI:EU:C:2015:802]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=172887&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=358921>
- (3) ECJ 21 January 2016, C-359/14 y C-475/14, *ERGO Insurance* [ECLI:EU:C:2016:40]
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- (4) ECJ 28 July 2016, C-191/15, *Verein für Konsumenteninformation vs. Amazon EU Sàrl*
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- (5) ECJ 27 September 2017, C-24/16 C-25/16, *Nintendo Co. Ltd vs. BigBen Interactive GmbH, BigBen Interactive SA*, [ECLI:EU:C:2017:724]
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- (6) ECJ 31 January 2019, C-149/18, *Agostinho da Silva Martins vs. Dekra Claims Services Portugal, S.A.*, [ECLI:EU:C:2019:84]
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- (7) ECJ 3 marzo 2022, C-421/20, *Acacia Srl vs. Bayerische Motoren Werke AG* [ECLI:EU:C:2022:152]
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- (8) ECJ 17 mayo 2023, C-264/22, *Fonds de Garantie des Victimes des Actes de Terrorisme et d'Autres Infractions (FGTI) vs. Victoria Seguros SA* [ECLI:EU:C:2023:417]
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V. ECJ related to Maintenance Regulation 4/2019.

(1) ECJ 18 December 2014, C-400/13 - C-408/13, *Sophia Marie Nicole Sanders* [ECLI:EU:C:2014:2461]

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(2) ECJ 9 February 2017, C-283/16, *M.S. vs. P.S.* [ECLI:EU:C:2017:104]

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- (2) ECJ 17 January 2006, C 1/04, *Susanne Staubitz-Schreiber* [ECLI:EU:C:2006:39]
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- (3) ECJ 2 May 2006, C-341/04, *Eurofood IFSC Ltd* [ECLI:EU:C:2006:281]
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- (4) ECJ 12 February 2009, C-339/07, *Christopher Seagon vs. Deko Marty Belgium NV* [ECLI:EU:C:2009:83]
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- (5) ECJ 2 July 2009, C-111/08, *SCT Industri* [ECLI:EU:C:2009:419]
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- (6) ECJ 10 September 2009, C-292/08, *German Graphics vs. Alice van der Schee* [ECLI:EU:C:2009:544]
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- (7) ECJ 21 January 2010, C 444/07, *MG Probud Gdynia* [ECLI:EU:C:2010:24]
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- (8) ECJ 20 October 2011, C-396/09, *Interedil Srl* [ECLI:EU:C:2011:671]
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- (9) ECJ 17 November 2011, C-112/10, *Zaza Retail BV* [ECLI:EU:C:2011:743]
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- (10) ECJ 15 December 2011, C-191/10, *Rastelli Davide* [ECLI:EU:C:2011:838]
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- (11) ECJ 19 April 2012, C 213/10, *F-Tex SIA* [ECLI:EU:C:2012:215]
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(17) ECJ 4 December 2014, C-295/13, *H* [ECLI:EU:C:2014:2410]

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(18) ECJ 16 April 2015, C-557/13, *Lutz* [ECLI:EU:C:2015:227]

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(19) ECJ 11 June 2015, C-649/13, *Comité d'entreprise de Nortel Networks y otros* [ECLI:EU:C:2015:384]

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(20) ECJ 15 October 2015, C-310/14, *Nike European Operations Netherlands* [ECLI:EU:C:2015:690]

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(21) ECJ 10 December 2015, C-594/14, *Kornhaas* [ECLI:EU:C:2015:806]

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(22) Order ECJ 24 May 2016, C-353/15, *Leonmobili Srl, Gennaro Leone/Homag Holzbearbeitungssysteme GmbH y otros.* [ECLI:EU:C:2016:374] [DO C 302 de 14.9.2015]

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(23) ECJ 26 October 2016, C-195/15, *SCI Senior Home vs. Gemeinde Wedemark Hannoversche Volksbank eG*, [ECLI:EU:C:2016:804]

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(24) ECJ 9 November 2016, C-212/15, *ENEFI EnergiahatékonySagi Nyrt vs. Direcția Generală Regională a Finanțelor Publice Brașov (DGRFP)*. ECLI:EU:C:2016:841.

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(25) ECJ 8 June 2017, C-54/16, *Vinyls Italia SpA, vs. Mediterranea di Navigazione SpA* [ECLI:EU:C:2017:433]

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(26) ECJ 9 November 2017, C-641/16, *Tünkers France, Tünkers Maschinenbau GmbH vs. Expert France* [ECLI:EU:C:2017:847]

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=196503&pageIndex=0&doctlang=EN&mode=lst&dir=&occ=first&part=1&cid=2034876>

(27) ECJ 20 December 2017, C-467/16, *Brigitte Schlömp vs. Landratsamt Schwäbisch Hall* [ECLI:EU:C:2017:993]

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(28) ECJ 6 June 2018, C-250/17, *Virgílio Tarragó da Silveira vs. Massa Insolvente da Espírito Santo Financial Group,S.A.* [ECLI:EU:C:2018:398]

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(29) ECJ 6 February 2019, C-535/17, *NK vs. BNP Paribas Fortis NV*, [ECLI:EU:C:2019:96]

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=210526&pageIndex=0&doctlang=EN&mode=lst&dir=&occ=first&part=1&cid=12134160>

(30) ECJ 18 September 2019, C-47/18, *Skarb Państwa Rzeczypospolitej Polskiej - Generalny Dyrektor Dróg Krajowych i Autostrad vs. Stephan Riel, en calidad de administrador concursal de Alpine Bau GmbH*, [ECLI:EU:C:2019:754]

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(31) ECJ 21 November 2019, C-198/18, *CeDe Group AB vs. KAN sp. z o.o., en concurso de acreedores*, [ECLI:EU:C:2019:1001]

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(32) ECJ 4 December 2019, C-493/18 *UB vs. VA, Tiger SCI, WZ, en su condición de administrador concursal de UB, Banque patrimoine et immobilier SA* [ECLI:EU:C:2019:1046],

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- (33) ECJ 16 July 2020, C-253/19, *MH, NI vs. OJ, Novo Banco SA*, [ECLI:EU:C:2020:585]
<http://curia.europa.eu/juris/document/document.jsf?docid=228663&text=&doclang=EN&part=1&occ=first&mode=LST&pageIndex=0&cid=10367155>
- (34) ECJ 22 April 2021, C-73/20, *ZM, en su condición de administrador concursal de Oeltrans Befrachtungsgesellschaft mbH vs. E. A. Frerichs* [ECLI:EU:C:2021:315]
<https://curia.europa.eu/juris/document/document.jsf?docid=240225&text=&doclang=EN&part=1&occ=first&mode=LST&pageIndex=0&cid=10641177>
- (35) ECJ 25 November 2021, C-25/20, *NK, en sa qualité de syndic de la faillite d'Alpine BAU GmbH, en présence de Alpine BAU GmbH, Salzbourg – succursale de Celje, en faillite* [ECLI:EU:C:2021:963]
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62020CJ0025&from=ES>
- (36) ECJ 24 March 2022, C-723/20, *Galapagos BidCo. Sàrl vs. DE, Hauck Aufhäuser Fund Services SA, Prime Capital SA* [ECLI:EU:C:2022:209]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=256469&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=13138364>
- (37) ECJ 18 April 2024, C-765/22 y C-772/22, *Air Berlin Luftverkehrs KG, sucursal en España* [ECLI:EU:C:2024:331] [main insolvency in Germany, secondary insolvency proceedings in Spain and assets taken to Germany]
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VII. ECJ related to Service of documents Regulation 1393/2007.

- (1) ECJ 8 November 2005, C-443/03, *Götz Leffler vs. Berlin Chemie AG* [ECLI:EU:C:2005:665]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=55594&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=811050>
- (2) ECJ 9 February 2006, C-473/04, *Plumex vs. Young Sports NV* [ECLI:EU:C:2006:96]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=55654&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (3) ECJ 8 May 2008, C-14/07, *Michael Weiss* [ECLI:EU:C:2008:264]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=67008&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (4) ECJ 25 June 2009, C-14/08, *Roda Golf & Beach Resort, S.L.* [ECLI:EU:C:2009:395]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=77933&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (5) ECJ 19 December 2012, C-325/11, *Krystyna Alder* [ECLI:EU:C:2012:824]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=131972&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (6) ECJ 11 June 2015, C-226/13, C 245/13, C 247/13 y C 578/13, *Fahnenbrock*
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=164953&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (7) ECJ 16 September 2015, C-519/13, *Alpha Bank Cyprus Ltd*
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=167824&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (8) ECJ 11 November 2015, C-223/14, *Tecom Mican, S.L. José Arias Domínguez* [ECLI:EU:C:2015:744]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=171281&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (9) Order ECJ 28 April 2016, C-384/14, *Alta Realitat, S.L. vs. Erlock Film ApS, Ulrich Thomsen* [ECLI:EU:C:2016:316]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=177841&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=442583>
- (10) ECJ 7 July 2016, C-70/15, *Emmanuel Lebek vs. Janusz Domino* [ECLI:EU:C:2016:524]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=181464&pageIndex=0&doctlang=en&mode=lst&dir=&occ=first&part=1&cid=1226968>
- (11) ECJ 2 March 2017, C-354/15, *Andrew Marcus Henderson vs. Novo Banco SA* [ECLI:EU:C:2017:157]

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(12) ECJ 6 September 2018, C-21/17, *Catlin Europe SE vs. O.K. Trans Praha spol. s r. o.* [ECLI:EU:C:2018:675]

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=205408&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=597427>

(13) ECJ 27 February 2020, C-25/19, *Corporis sp. z o.o. VS. Gefion Insurance A/S*, [ECLI:EU:C:2020:126]

<http://curia.europa.eu/juris/document/document.jsf?docid=223850&text=&doclang=EN&part=1&occ=first&mode=LST&pageIndex=0&cid=2419071>

(14) Order ECJ 5 May 2022, C-346/21, *ING Luxembourg SA VS. [ECLI:EU:C:2022:368]* (DOUE C 382 de 20 septiembre 2022).

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=266322&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=428452>

(15) ECJ 2 June 2022, C-196/21, *SR y EW*, [ECLI:EU:C:2022:427] [translation of the notification and concept of “applicant” and transfer of judicial documents to the intervening parties in the procedure]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=260188&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=8421187>

(16) ECJ 7 July 2022, C-7/21, *LKW WALTER Internationale Transportorganisation AG vs. CB*, [ECLI:EU:C:2022:527]

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(17) ECJ 16 May 2024, C-222/23, *Toplofikatsia Sofia EAD* [ECLI:EU:C:2024:405] [the concepto of domicile can not be altered by a member State to the extent that it results equivalent to nationality]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=286147&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2043212>

(18) ECJ 11 July 2024, C-632/22, *Volvo AB vs. Transsaqui, S. L.* [ECLI:EU:C:2024:601] [a parent company against which proceedings have been brought for compensation for damage caused by an infringement of competition law is not validly served with a summons where service of the document instituting the proceedings was effected at the address of its subsidiary domiciled in the Member State in which the proceedings were brought, even if the parent company forms an economic unit with that subsidiary]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=288147&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=2231639>

VIII. ECJ related to taking of evidence 1206/2001.

- (1) ECJ 17 February 2011, C-283/09, *Artur Weryński* [ECLI:EU:C:2011:85]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=81794&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (2) ECJ 6 September de 2012, C-170/11, *Lippens*
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=126431&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (3) ECJ 21 February 2013, C-332/11, *ProRail* [ECLI:EU:C:2013:87]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=134110&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (4) ECJ 9 September 2021, C-208/20 y C-256/20, *Toplofikatsia Sofia» EAD,, CHEZ Elektro Bulgaria» AD, Agentsia za control na prosrocheni zadalzhenia» EOOD (asunto C-208/20), vs. Toplofikatsia Sofia» EAD (asunto C-256/20)*, [ECLI:EU:C:2021:719]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=245752&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=7131961>

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IX. ECJ related to European Enforcement Order Regulation 805/2004, European order for payment procedure Regulation 1896/2006 and small claims procedure Regulation 861/2007.

- European enforcement order -

- (1) ECJ 5 December 2013, C-508/12, *Walter Vapenik* [ECLI:EU:C:2013:790]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=145251&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (2) ECJ 17 December 2015, C-300/14, *Imtech Marine Belgium NV* [ECLI:EU:C:2015:825]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=173124&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (3) ECJ 16 June 2016, C-511/14, *Pebros Servizi srl vs. Aston Martin Lagonda Ltd* [ECLI:EU:C:2016:448]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=180324&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=287453>
- (4) ECJ 9 March 2017, C-484/15, *Ibrica Zulfikarpašić vs. Slaven Gajer* [ECLI:EU:C:2017:199]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=188746&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=205701>
- (5) ECJ 28 February 2018, C-289/17, *Collect Inkasso* [ECLI:EU:C:2018:133]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=199768&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=601157>
- (6) ECJ 27 June 2019, C-518/18, *RD vs. SC* [ECLI:EU:C:2019:546]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=215547&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=8421100>
- (7) ECJ 16 February 2023, C-393/21, *Lufthansa Technik AERO Alzey GmbH* [ECLI:EU:C:2023:104]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=270513&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=571342>

- European order for payment procedure-

- (1) ECJ 13 June 2013, C-144/12, *Goldbet Sportwetten*
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=138389&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>
- (2) ECJ 13 December 2012, C-215/11, *Iwona Szyrocka*
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=131803&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>

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(3) ECJ 4 September 2014, C-119/13 y C-120/13, *Eco cosmetics*

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=157356&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>

(4) ECJ 22 October 2015, C-245/14, *Thomas Cook Belgium NV*

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=170307&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1140931>

(5) ECJ 10 March 2016, C-94/14, *Flight Refund Ltd vs. Deutsche Lufthansa AG*

<http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d0f130d5b3cf632fa295471fbe7ba8d8481f268a.e34KaxiLc3eQc40LaxqMbN4OcheSe0?text=&docid=174930&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=156913>

(6) ECJ 6 September 2018, C-21/17, *Catlin Europe SE vs. O.K. Trans Praha spol. s r. o.* [ECLI:EU:C:2018:675]

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(7) ECJ 19 December 2019, C-453/18 y C-494/18, *Bondora AS vs. Carlos V.C.*, [ECLI:EU:C:2019:1118]

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(8) ECJ 15 September 2022, C-18/21, *Uniqा Versicherungen AG vs. VU*, [ECLI:EU:C:2022:682]

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=265546&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=165100>

- Small claims procedure Regulation 861/2007 -

(1) ECJ 22 November 2018, C-627/17, *ZSE Energia, a.s. vs. RG* [ECLI:EU:C:2018:941]

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=207967&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2438002>

(2) ECJ 14 February 2019, C-554/17, *Rebecka Jonsson vs. Société du Journal L'Est Républicain* [ECLI:EU:C:2019:124]

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=210768&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=12054957>

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X. ECJ related to the European Succession Regulation 650/2012.

- (1) ECJ 12 October 2017, C-218/16, *Aleksandra Kubicka* [ECLI:EU:C:2017:755]
<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d5d7211d73b7dd48428e9ab7e16a47c11e.e34KaxiLc3eQc40LaxqMbN4PaNaTe0{text=&docid=195430&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=505720}>
- (2) ECJ 1 March 2018, C-558/16, *Doris Margret Lisette Mahnkopf* [ECLI:EU:C:2018:138]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=199805&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=816513>
- (3) ECJ 21 June 2018, C-20/17, *Vincent Pierre Oberle* [ECLI:EU:C:2018:485]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=203223&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=903572>
- (4) ECJ 17 January 2019, C-102/18, *Klaus Manuel Maria Brisch* [ECLI:EU:C:2019:34]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=209923&pageIndex=0&doclang=eN&mode=lst&dir=&occ=first&part=1&cid=7375854>
- (5) ECJ 23 May 2019, C-658/17, *WB, Przemysława Bac* [ECLI:EU:C:2019:444]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=214397&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=5678706>
- (6) ECJ 16 July 2020, C-80/19, *E.E. Kauno miesto 4-ojo notaro biuro notarė Virginija Jarienė, K.-D. E.*, [ECLI:EU:C:2020:569]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=228675&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=9814237>
- (7) ECJ 1 July 2021, C-301/20, *UE, HC y Vorarlberger Landes- und Hypothekenbank AG y sucesión de VJ*, [ECLI:EU:C:2021:528]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=243642&pageIndex=0&doclang=eN&mode=lst&dir=&occ=first&part=1&cid=530373>
- (8) ECJ 9 September 2021, C-422/20, *RK vs. CR*, [ECLI:EU:C:2021:718]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=245756&pageIndex=0&doclang=eN&mode=lst&dir=&occ=first&part=1&cid=7133686>
- (9) ECJ 9 September 2021, C-277/20, *UM, con intervención de: HW, como administrador de la herencia de ZL, Marktgemeinde Kötschach-Mauthen, Finanzamt Spittal Villach*, [ECLI:EU:C:2021:708]
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=245753&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=7133167>
- (10) ECJ 7 April 2022, C-645/20, *V A, Z A vs. TP*, [ECLI:EU:C:2022:267]
<https://curia.europa.eu/juris/document/document.jsf?docid=257493&text=&doclang=EN&part=1&occ=first&mode=LST&pageIndex=0&cid=8421888>

(11) ECJ 2 June 2022, C-617/20, *T. N., N. N.* [ECLI:EU:C:2022:426] [validity of the declaration concerning the waiver of succession]

<https://curia.europa.eu/juris/document/document.jsf?docid=260184&text=&doclang=EN&part=1&occ=first&mode=LST&pageIndex=0&cid=8422209>

(12) ECJ 9 March 2023, C-354/21, *R. J. R. vs. Registry centras VJ*, [ECLI:EU:C:2023:184]

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(13) ECJ 30 March 2023, C-651/21, *M. Ya. M.* [ECLI:EU:C:2023:277]

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(14) ECJ 12 October 2023, C-21/22, *OP vs. Notariusz Justyna Gawlica* [ECLI:EU:C:2023:766] [succession governed by a bilateral convention and not by the European Succession Regulation: a third-country national residing in a Member State of the European Union may choose the law of that third State as the law governing his or her succession as a whole; Regulation 650/2012, does not preclude a national of that third State, residing in the Member State in question, from not being able to choose the law of that third State to govern his or her succession as a whole]

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62022CJ0021>

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XI. ECJ related to The Rome III Regulation (law applicable to divorce 1259/2010.

(1) Order ECJ 12 May 2016, C-281/15, *Soha Sahyouni vs. Raja Mamisch* [ECLI:EU:C:2016:343]

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62015CO0281&from=EN>

(2) ECJ 20 December 2017, C-372/16, *Soha Sahyouni vs. Raja Mamisch* [ECLI:EU:C:2017:988]

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=198045&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=466635>

(3) ECJ 16 July 2020, C-249/19, *JE vs. KF*, [ECLI:EU:C:2020:570]

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**XII. ECJ related to Regulation 655/2014, 15 May 2014 [European Account
Preservation Order].**

- (1) ECJ 7 November 2019, C-555/18, *K.H.K. y B.A.C. vs E.E.K.*, [ECLI:EU:C:2019:937]
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=220353&pageIndex=0&doclang=eN&mode=lst&dir=&occ=first&part=1&cid=746538>

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.

- PCIJ 7 September 1927, *Lotus*

<http://www.dipublico.org/10984/s-s-lotus-1927-corte-permanente-de-justicia-internacional-ser-a-no-10/>

https://www.icj-cij.org/public/files/permanent-court-of-international-justice/serie_A/A_10/30_Lotus_Arret.pdf → francés e inglés.

- Advisory Opinion PCIJ 7 February 1923, *decretos de nacionalidad en Túnez y Marruecos*

<http://www.dipublico.org/11844/opinion-sobre-decretos-de-nacionalidad-en-tunez-y-marruecos-1922-corte-permanente-de-justicia-internacional-serie-b-no-4/>

http://www.worldcourts.com/pcij/eng/decisions/1923.02.07_morocco.htm

- Advisory Opinion PCIJ 15 September 1923, *caso adquisición de la nacionalidad polaca*

<http://www.dipublico.org/11856/opinion-sobre-la-adquisicion-de-la-nacionalidad-polaca-1923-corte-permanente-de-justicia-internacional-serie-b-no-7/>

http://www.worldcourts.com/pcij/eng/decisions/1923.09.15_polish_nationality.htm

- PCIJ 28 February 1939, asunto *Panvezis-Saldutiskis*

http://www.icj-cij.org/pcij/serie_AB/AB_75/Panvezys-Saldutiskis_exceptions_preliminaires_ordonnance_19380630.pdf

http://www.worldcourts.com/pcij/eng/decisions/1939.02.28_panevezys-saldutiskis.htm

- PCIJ 6 April 1955, *caso Nottebohm*.

<http://www.dipublico.org/cij/doc/23.pdf>

<https://www.icj-cij.org/public/files/case-related/18/018-19550406-JUD-01-00-EN.pdf>

- PCIJ 28 November 1958, *caso Böll, Países Bajos vs. Suecia*

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<https://www.icj-cij.org/public/files/case-related/33/033-19581128-JUD-01-00-EN.pdf>

- Permanent Court of Arbitration de 3 May 1912, *Canevaro*

<http://archive.pca->

cpa.org/Canevaro%20claim%20French%20Sentence60c8.pdf?fil_id=616
<https://pcacases.com/web/sendAttach/516>

- STIJ 3 February 2012, *Alemania vs. Italy*
<https://www.internationalcrimesdatabase.org/Case/1231>

II. ECHR relevant to private international Law.

1.- ECHR 9 October 1979, caso *Airey*

[https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-57420%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-57420%22]})

2.- ECHR 13 May 1980, *Artico vs. Italia*

<http://hudoc.echr.coe.int/eng?i=001-57424>

3.- ECHR 25 April 1983, *Pakelli vs. Alemania*

<http://hudoc.echr.coe.int/eng?i=001-57554>

4.- ECHR 26 June 1992, *Drozd y Janousek vs. Francia y España*

<http://hudoc.echr.coe.int/eng?i=001-57774>

5. - ECHR 23 November 1993, *Poitrimol vs. Francia*

<http://hudoc.echr.coe.int/eng?i=001-57858>

6. - ECHR 22 September 1994, *Pelladoah vs. Países Bajos*

<http://hudoc.echr.coe.int/eng?i=001-57902>

7.- ECHR 19 March 1997, *Hornsby vs. Grecia*

<http://hudoc.echr.coe.int/eng?i=001-58153>

8. - ECHR 21 January 1999, *Van Geyseghem vs. Bélgica*

<http://hudoc.echr.coe.int/eng?i=001-58908>

9.- ECHR 25 January de 2000, *Ignaccolo-Zenide vs. Rumanía*

<http://hudoc.echr.coe.int/eng?i=001-58448>

10.- ECHR 20 July 2001, *Pellegrini*

<http://hudoc.echr.coe.int/eng?i=001-59604>

11.- ECHR 11 July 2002, *Goodwin*

<http://hudoc.echr.coe.int/eng?i=001-60596>

12.- ECHR 12 June 2003, *Kück*

<http://hudoc.echr.coe.int/eng?i=001-61142>

13.- ECHR 8 July 2004, *Ilascu y otros vs. Moldavia y Rusia,*

<http://hudoc.echr.coe.int/eng?i=001-61886>

14.- ECHR 26 July 2005, *Siliadin vs. Francia*

<http://hudoc.echr.coe.int/eng?i=001-69891>

15.- Decision ECHR 11 December 2006, *Ben El Mahi v. Dinamarca*

[http://hudoc.echr.coe.int/eng#{"itemid":\["001-78692"\]}}](http://hudoc.echr.coe.int/eng#{)

- 16.- ECHR 14 December 2006, *Markovic y otros vs. Italia*
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- 17.- ECHR 28 June 2007, *Wagner et J.M.W.L. vs. Luxembourg*
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- 18.- ECHR 22 September 2009, *Stochlak vs. Polonia*
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- 19.- ECHR 8 December 2009, *Muñoz Díaz contra España*
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- 20.- ECHR 22 December 2009, *Tapia Gasca y D. vs. España*
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- 20 bis.- ECHR 1 April 2010, *Vrbica vs. Croacia*
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- 21.- ECHR 21 September 2010, *Mijušković vs. Montenegro*
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- 22.- ECHR 3 May 2011, *Negrepontis-Giannis vs. Grecia*
<http://hudoc.echr.coe.int/eng?i=001-138592>
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- 23.- ECHR 24 May 2011, *Saleck Bardi vs. España*
<http://hudoc.echr.coe.int/eng?i=001-106045>
- 24.- ECHR 26 July 2011, *Shaw vs. Hungría.*
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- 25.- ECHR 27 October 2011, *Bergmann vs. Chequia*
<http://hudoc.echr.coe.int/eng?i=001-159782>
- 26.- ECHR 31 July 2012, *Sholokhov vs. Armenia y República de Moldavia*
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- 27.- ECHR 4 October 2012, *Harroudj contra Francia*
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- 28.- ECHR 5 December 2013, *Henry Kismoun vs. France*
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- 29.- ECHR 14 March 2013, *Oleynikov vs. Rusia*
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- 30.- ECHR 25 February 2014, *Avotijnš vs. Lettonie*
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- 31.- ECHR 26 June 2014, 65192/11, *Mennesson vs. Francia*
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- 32.- ECHR 26 June 2014, 65941/11, *Labassee vs. Francia*
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- 33.- ECHR 15 July 2014, *Panetta contra Italia*
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- 34.- ECHR 28 October 2014, *Cavani contra Hungría*
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- 35.- ECHR 16 December 2014, *Chbihi Loudoudi vs. Bélgica*
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- 36.- ECHR 27 January 2015, *Paradiso et Campanelli vs. Italia*
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- 37.- ECHR 10 March 2015, *Y.Y vs. Turquía*
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- 38.- ECHR 21 July 2015, *Oliari y otros vs. Italia*, 18766/11 - 36030/11
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- 39.- ECHR 1 March 2016, *Arlewin vs. Suecia*
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- 40.- ECHR 9 July 2016, *Chapin et Charpentier vs. Francia*
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- 41.- ECHR 21 July 2016, *Foulon y Bouvet vs. Francia*
[http://hudoc.echr.coe.int/eng#{"itemid":\["001-164968"\]}](http://hudoc.echr.coe.int/eng#{)
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- 42.- ECHR 21 June 2016, *Naït Liman vs. Suiza* [[ECLI:CE:ECHR:2016:0621JUD005135707](#)]
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- 43.- ECtHR 11 October 2016 n. 23298/12, *Iglesias Casarrubios y Cantalapiedra Iglesias vs. España*
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44.- ECtHR 19 January 2017, *Laborie vs. France* (requête 44024/13)

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45.- ECtHR Grand Chamber 24 January 2017, *Paradiso Campanelli*

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46.- ECtHR Grand Chamber 15 March 2018, *Naït-Liman vs. Suiza*

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47.- Advisory Opinion (Grand Chamber of the ECHR) concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother, requested by the French Court of Cassation (Request no. P16-2018-001) of 10 April 2019

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48.- Decision (Fifth Section) 19 November 2019, *C y E vs. Francia*
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49.- ECtHR 18 May 2021, *Valdís Fjölnisdóttir y Otros contra Islandia* [gestación subrogada en California] [ECLI:CE:ECHR:2021:0518JUD007155217]

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50.- ECtHR 12 October 2021, *re J.C. et autres vs. Belgique*

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51.- ECtHR 11 January 2022, *Velasco Ayra vs. Rusia* [sustracción de bebé desde España a Rusia] [ECLI:CE:ECHR:2022:0111JUD005462819]

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52.- ECtHR 30 June 2022, *BTS Holding A.S.. vs. Slovakia*,
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53.- ECtHR 6 December 2022, *K.K. and Others vs. Denmark*
 [ECLI:CE:ECHR:2022:1206JUD002521221]

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54.- ECtHR 16 July 2020, n. 11288/18, *D. vs. France*,
[ECLI:CE:ECHR:2020:0716JUD001128818] [born in Kiev after surrogacy]
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55.- ECtHR 22 November 2022, *B.D. et al. vs. Suiza*,
[ECLI:CE:ECHR:2022:1122JUD005881715] [surrogacy in California]
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56.- ECtHR 31 Agoust 2023, *C vs. Italy*, n. 47196/21
[ECLI:CE:ECHR:2023:0831JUD004719621] [surrogacy in Ukraine, registration in Italy]
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57.- ECtHR 17 January 2023, *Fedotova et al. vs. Russia*,
[ECLI:CE:ECHR:2023:0117JUD004079210]

58.- ECtHR 5 septiembre 2023, *Koilova et Babulkova vs. Bulgaria* [same sex marriage between two Bulgarian women in the UK] [ECLI:CE:ECHR:2023:0905JUD004020920]

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