

International Legal Materials
Treaties and Agreements
November, 1990

EUROPEAN COMMUNITIES: CONVENTION ON JURISDICTION AND ENFORCEMENT OF JUDGMENTS
IN CIVIL AND COMMERCIAL MATTERS
Consolidated and updated version of the Brussels Convention of 1968 and the
Protocol of 1971, following the 1989 accession of Spain and Portugal, published
July 28, 1990

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Reports on the 1968 Brussels Convention and the 1988 Lugano Convention appear at
[29 I.L.M. 1470](#) (1990). The Lugano Convention on Jurisdiction and the Enforcement of
Judgments in Civil and Commercial Matters, which extends the principles of the
Brussels Convention to the States becoming parties to it, appears at [28 I.L.M. 620](#)
(1989).

Section 2

Special jurisdiction

Article 5

A person domiciled in a Contracting State may, in another Contracting State, be
sued:

1. in matters relating to a contract, in the courts for the place of
performance of the obligation in question; in matters relating to individual
contracts of employment, this place is that where the employee habitually carries
out his work, or if the employee does not habitually carry out his work in any one
country, the employer may also be sued in the courts for the place where the
business which engaged the employee was or is now situated [FN2];

FN2. Point 1 as amended by Article 4 of the 1989 Accession Convention.

2. in matters relating to maintenance, in the courts for the place where the
maintenance creditor is domiciled or habitually resident or, if the matter is
ancillary to proceedings concerning the status of a person, in the court which,
according to its own law, has jurisdiction to entertain those proceedings, unless
that jurisdiction is based solely on the nationality of one of the parties [FN3];

FN3. Point 2 as amended by Article 5 (3) of the 1978 Accession Convention.

3. in matters relating to tort, delict or quasi-delict, in the courts for the
place where the harmful event occurred;

4. as regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;

5. as regards a dispute arising out of the operations of a branch, agency or other establishment, in the courts for the place in which the branch, agency or other establishment is situated;

6. as settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Contracting State in which the trust is domiciled [FN4];

FN4. Point 6 added by Article 5 (4) of the 1978 Accession Convention.

7. as regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:

(a) has been arrested to secure such payment, or

(b) could have been so arrested, but bail or other security has been given;

provided that this provision shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage [FN5].

FN5. Point 7 added by Article 5 (4) of the 1978 Accession Convention.