

The first indent of Article 4(1) of Directive 90/435 is unconditional and sufficiently precise to be capable of being relied on before national courts.

⁽¹⁾ OJ C 117, 26.5.2007.

Judgment of the Court (Grand Chamber) of 10 February 2009 (reference for a preliminary ruling from the House of Lords (United Kingdom)) — Allianz SpA, formerly Riunione Adriatica di Sicurtà SpA, Generali Assicurazioni Generali SpA v West Tankers Inc.

(Case C-185/07) ⁽¹⁾

(Recognition and enforcement of foreign arbitral awards — Regulation (EC) No 44/2001 — Scope of application — Jurisdiction of a court of a Member State to issue an order restraining a party from commencing or continuing proceedings before a court of another Member State on the ground that those proceedings would be contrary to an arbitration agreement — New York Convention)

(2009/C 82/06)

Language of the case: English

Referring court

House of Lords

Parties to the main proceedings

Appellants: Allianz SpA, formerly Riunione Adriatica di Sicurtà SpA, Generali Assicurazioni Generali SpA

Respondent: West Tankers Inc.

Re:

Reference for a preliminary ruling — House of Lords — Interpretation of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Power of a court of a Member State to order a party not to commence court proceedings or to cease those proceedings in another Member State on the ground that they are contrary to an arbitration agreement

Operative part of the judgment

It is incompatible with Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforce-

ment of judgments in civil and commercial matters for a court of a Member State to make an order to restrain a person from commencing or continuing proceedings before the courts of another Member State on the ground that such proceedings would be contrary to an arbitration agreement.

⁽¹⁾ OJ C 155, 7.7.2007.

Judgment of the Court (First Chamber) of 12 February 2009 (reference for a preliminary ruling from the Bundesgerichtshof — Germany) — Christopher Seagon in his capacity as liquidator in respect of the assets of Frick Teppichboden Supermärkte GmbH v Deko Marty Belgium NV

(Case C-339/07) ⁽¹⁾

(Judicial cooperation in civil matters — Insolvency proceedings — Court with jurisdiction)

(2009/C 82/07)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Christopher Seagon in his capacity as liquidator in respect of the assets of Frick Teppichboden Supermärkte GmbH

Defendant: Deko Marty Belgium NV

Re:

Reference for a preliminary ruling — Bundesgerichtshof — Interpretation of Article 3(1) of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ 2000 L 160, p. 1) and Article 1(2)(b) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Jurisdiction of the court of the Member State within the territory of which the centre of a debtor's main interests is situated in respect of judgments deriving directly from the insolvency proceedings and which are closely linked with them — Action (Insolvenzanfechtungsklage) for reimbursement of a payment by the debtor to a company whose registered office is in another Member State