

JUDGMENT OF THE COURT
30 NOVEMBER 1976¹

**Handelskwekerij G. J. Bier B.V.
v Mines de Potasse d'Alsace S.A.
(preliminary ruling requested
by the Gerechtshof of The Hague)**

Case 21/76

Summary

'Convention on jurisdiction and the enforcement of Judgment, article 5 (3)
(liability in tort, delict or quasi-delict')

*Convention of 27 September 1968 on jurisdiction and the enforcement of Judgments
— Pollution of the atmosphere or of water — Dispute of an international character
— Matters relating to tort, delict or quasi-delict — Courts having jurisdiction —
Special jurisdiction — Place where the harmful event occurred — Place of the event
giving rise to the damage and place where the damage occurred — Connecting
factors of significance as regards jurisdiction — Right of plaintiff to elect
(Convention of 27 September 1968, Article 5 (3))*

Where the place of the happening of the event which may give rise to liability in tort, delict or quasi-delict and the place where that event results in damage are not identical, the expression 'place where the harmful event occurred', in Article 5 (3) of the Convention of 27 September 1968 on jurisdiction and the enforcement of Judgments in Civil and Commercial Matters, must be understood

as being intended to cover both the place where the damage occurred and the place of the event giving rise to it. The result is that the defendant may be sued, at the option of the plaintiff, either in the courts for the place where the damage occurred or in the courts for the place of the event which gives rise to and is at the origin of that damage.

In Case 21/76

Reference to the Court pursuant to Article 1 of the Protocol of 3 June 1971 on the interpretation by the Court of Justice of the Convention of 27 September 1968 on jurisdiction and the enforcement of Judgments in Civil and Commercial Matters by the Gerechtshof (Appeal Court) of The Hague for a preliminary ruling in the action pending before that court between

¹ — Language of the Case: Dutch.