

Judgment of the Court (Seventh Chamber) of 13 March 2014 (request for a preliminary ruling from the Landgericht Krefeld — Germany) — Marc Brogsitter v Fabrication de Montres Normandes EURL, Karsten Fräßdorf

(Case C-548/12) ⁽¹⁾

(Area of freedom, security and justice — Jurisdiction in civil and commercial matters — Regulation (EC) No 44/2001 — Special jurisdiction — Article 5(1) and (3) — Civil liability claim — Tortious or contractual nature)

(2014/C 135/10)

Language of the case: German

Referring court

Landgericht Krefeld

Parties to the main proceedings

Applicant: Marc Brogsitter

Defendants: Fabrication de Montres Normandes EURL, Karsten Fräßdorf

Re:

Request for a preliminary ruling — Landgericht Krefeld — Interpretation of Article 5(1) 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) — Special jurisdiction — Action brought before a court with jurisdiction in matters of tort or delict — Situation in which the tortious or delictual act was committed in the course of the performance of the contract between the tortfeasor and the victim and the court pertaining to the place of performance of the underlying obligation is situated in another Member State — Determination of the court with jurisdiction.

Operative part of the judgment

Civil liability claims such as those at issue in the main proceedings, which are made in tort under national law, must nonetheless be considered as concerning ‘matters relating to a contract’ within the meaning of Article 5(1)(a) 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, where the conduct complained of may be considered a breach of the terms of the contract, which may be established by taking into account the purpose of the contract.

⁽¹⁾ OJ C 101, 6.4.2013.

Judgment of the Court (Eighth Chamber) of 13 March 2014 (request for a preliminary ruling from the Rechtbank van eerste aanleg te Brugge — Belgium) — Jetair NV, BTW-eenheid BTWE Travel4you v FOD Financiën

(Case C-599/12) ⁽¹⁾

(VAT — Special scheme for travel agents — Transactions carried out outside the European Union — Sixth Council Directive 77/388/EEC — Article 28(3) — Directive 2006/112/EC — Article 370 — ‘Standstill’ clauses — Amendment of national legislation during the transposition period)

(2014/C 135/11)

Language of the case: Dutch

Referring court

Rechtbank van eerste aanleg te Brugge