



## Reports of Cases

**Case C-641/16**

**Tünkers France  
and  
Tünkers Maschinenbau GmbH  
v  
Expert France**

(Request for a preliminary ruling from the Cour de cassation (France))

(Reference for a preliminary ruling — Insolvency proceedings — Regulation (EC) No 1346/2000 — Court having jurisdiction — Action for unfair competition brought in the context of insolvency proceedings — Action brought by a company having its registered office in another Member State against the assignee of part of the business of a company subject to insolvency proceedings — Action not part of the proceedings or action deriving directly from those proceedings and closely connected with them)

Summary — Judgment of the Court (First Chamber), 9 November 2017

1. *Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Scope — Matters excluded — Bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings — Concept — Action deriving directly from insolvency proceedings and closely connected with them — Applicability of Regulation No 1346/2000*

*(Council Regulations No 1346/2000 and No 44/2001, Art. 1(2)(b))*

2. *Judicial cooperation in civil matters — Insolvency proceedings — Regulation No 1346/2000 — Scope — Action for unfair competition against the assignee of part of the business of a company subject to insolvency proceedings — Not included*

*(Council Regulation No 1346/2000, Art. 3(1))*

1. See the text of the decision.

(see paras 19, 20)

2. Article 3(1) of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings must be interpreted as meaning that an action for damages for unfair competition by which the assignee of part of the business acquired in the course of insolvency proceedings is accused of misrepresenting itself as being the exclusive distributor of articles manufactured by the debtor does not fall within the jurisdiction of the court which opened the insolvency proceedings.

(see para. 31, operative part)