

Judgment of the Court (First Chamber) of 18 September 2019 (request for a preliminary ruling from the Oberlandesgericht Wien — Austria) — Skarb Państwa Rzeczypospolitej Polskiej — Generalny Dyrektor Dróg Krajowych i Autostrad v Stephan Riel, acting as liquidator of Alpine Bau GmbH

(Case C-47/18) ⁽¹⁾

(Reference for a preliminary ruling — Regulation (EU) No 1215/2012 — Jurisdiction in civil and commercial matters — Scope — Article 1(2)(b) — Bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings — Not included — Action for a declaration that a claim exists for the purposes of its registration in insolvency proceedings — Application of Regulation (EC) No 1346/2000 — Article 41 — Content of the lodgement of a claim — Main and secondary insolvency proceedings — Lis pendens and related actions — Application by analogy of Article 29(1) of Regulation No 1215/2012 — Inadmissibility)

(2019/C 399/09)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Applicant: Skarb Państwa Rzeczypospolitej Polskiej — Generalny Dyrektor Dróg Krajowych i Autostrad

Defendant: Stephan Riel, acting as liquidator of Alpine Bau GmbH

Operative part of the judgment

1. Article 1(2)(b) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that an action for a declaration of the existence of claims for the purposes of their registration in the context of insolvency proceedings, such as that at issue in the main proceedings, is excluded from the scope of that regulation.
2. Article 29(1) of Regulation No 1215/2012 must be interpreted as not applying, even by analogy, to an action such as that in the main proceedings which is excluded from the scope of that regulation but falls within the scope of Regulation No 1346/2000.
3. Article 41 of Council Regulation (EC) No 1346/2000 of 29 May 2000 on the law applicable to contractual obligations must be interpreted as meaning that a creditor may, in the context of insolvency proceedings, lodge a claim without formally indicating the date on which it arose, where the law of the Member State within the territory of which those proceedings were opened does not impose an obligation to state that date and where that date may, without particular difficulty, be inferred from the supporting documents referred to in Article 41 of that regulation, which it is for the competent authority responsible for the verification of claims to determine.

⁽¹⁾ OJ C 142, 23.4.2018.