

JUDGMENT OF THE COURT

of 28 September 1999

in Case C-440/97 (reference for a preliminary ruling from the Cour de Cassation): GIE Groupe Concorde and Others v The Master of the vessel 'Suhadiwarno Panjan' and Others⁽¹⁾

(Brussels Convention — Jurisdiction in contractual matters — Place of performance of the obligation)

(1999/C 366/17)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-440/97: reference to the Court under 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 Cour de Cassation, France, for a preliminary ruling in the proceedings pending before that court between GIE Groupe Concorde and Others and The Master of the vessel 'Suhadiwarno Panjan' and Others — on the interpretation of Article 5(1) of the abovementioned Convention of 27 September 1968 (OJ 1978 L 304, p. 36), as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland (OJ 1978 L 304, p. 1 and — amended version — p. 77), by the Convention of 25 October 1982 on the Accession of the Hellenic Republic (OJ 1982 L 388, p. 1) and by the Convention of 26 May 1989 on the Accession of the Kingdom of Spain and the Portuguese Republic (OJ 1989 L 285, p. 1) — the Court, composed of: G.C. Rodríguez Iglesias, President, P.J.G. Kapteyn, J.-P. Puissochet, G. Hirsch and P. Jann (Rapporteur) (Presidents of Chambers), J.C. Moitinho de Almeida, C. Gulmann, J.L. Murray, D.A.O. Edward, H. Ragnemalm, L. Sevón, M. Wathelet and R. Schintgen, Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 28 September 1999, in which it has ruled:

On a proper construction of Article 5(1) of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, by the Convention of 25 October 1982 on the Accession of the Hellenic Republic, and by the Convention of 26 May 1989 on the Accession of the Kingdom of Spain and the Portuguese Republic, the place of performance of the obligation, within the meaning of that provision, is to be determined in accordance with the law governing the obligation in question according to the conflict rules of the court seized.

⁽¹⁾ OJ No C 55 of 20.2.1998.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 29 September 1999

in Case C-231/97 (reference for a preliminary ruling from the Nederlandse Raad van State): A.M.L. van Rooij v Dagelijks bestuur van het waterschap de Dommel⁽¹⁾

(Environment — Directive 76/464/EEC — 'Discharge' — Possibility for a Member State to adopt a wider definition of 'discharge' than that in the directive)

(1999/C 366/18)

(Language of the case: Dutch)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-231/97: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Nederlandse Raad van State, Netherlands, for a preliminary ruling in the proceedings pending before that court between A.M.L. van Rooij and Dageelijks bestuur van het waterschap de Dommel, third party: Gebr. Van Aarle BV — on the interpretation of Article 1(2) of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (OJ 1976 L 129, p. 23) — the Court (Sixth Chamber), composed of: P.J.G. Kapteyn, President of the Chamber, G. Hirsch (Rapporteur) and R. Schintgen, Judges; A. Saggio, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 29 September 1999, in which it has ruled:

1. The term 'discharge' in Article 1(2)(d) of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community must be interpreted as covering the emission of contaminated steam which is precipitated on to surface water. The distance between those waters and the place of emission of the contaminated steam is relevant only for the purpose of determining whether the pollution of the waters cannot be regarded as foreseeable according to general experience, so that the pollution is not attributable to the person causing the steam.