

Case C-432/93

Société d'Informatique Service Réalisation Organisation (SISRO)

v

Ampersand Software BV

(Reference for a preliminary ruling
from the Court of Appeal (Civil Division), London)

(Brussels Convention — Articles 36, 37 and 38 — Enforcement —
Judgment given on an appeal against authorization of enforcement —
Appeal on a point of law — Stay of proceedings)

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| Opinion of Advocate General Léger delivered on 8 June 1995 | I - 2271 |
| Judgment of the Court (Sixth Chamber), 11 August 1995 | I - 2288 |

Summary of the Judgment

Convention on Jurisdiction and the Enforcement of Judgments — Enforcement — Appeals — Appeal in cassation or similar form of appeal on a point of law — Decisions against which appeals can be brought — Decision on a stay of proceedings by a court seised of an appeal against authorization of enforcement — Excluded — Jurisdiction of the court seised of an appeal on a point of law to decide on such a stay of proceedings — None
(Brussels Convention of 27 September 1968, Arts 37(2) and 38, first para.)

Article 37(2) and the first paragraph of Article 38 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, are to be interpreted as meaning that a decision by which a court of a Contracting State, seised of an appeal against authorization to enforce an enforceable judgment of a court in

another Contracting State, refuses a stay or lifts a stay previously ordered does not constitute a 'judgment given on the appeal' within the meaning of the said Article 37(2) and therefore cannot be contested by an appeal in cassation or similar form of appeal limited to the examination of points of law only. Moreover, the court seised of such an appeal on a point of law under Article 37(2) of the Convention does not have jurisdiction to impose or reimpose such a stay.