

**Request for a preliminary ruling from the Rechtbank Gelderland (Netherlands) lodged on 20 November 2014 — Aannemingsbedrijf Aertssen NV, Aertssen Terrasements SA v VSB Machineverhuur BV and Others**

(Case C-523/14)

(2015/C 034/14)

*Language of the case: Dutch*

**Referring court**

Rechtbank Gelderland

**Parties to the main proceedings**

*Applicants:* Aannemingsbedrijf Aertssen NV, Aertssen Terrasements SA

*Defendants:* VSB Machineverhuur BV, Van Sommeren Bestrating BV, Jos van Sommeren

**Questions referred**

1. Does the complaint lodged by [the applicants] as a civil claimant, as referred to in Article 63 et seq. of the Belgian Code of Criminal Procedure, given the manner in which it was lodged and the stage which the proceedings have reached, come within the scope *ratione materiae* of Regulation No 44/2001 <sup>(1)</sup>?

If Question 1 is answered in the affirmative:

2. Must Article 27(1) of Regulation No 44/2001 be interpreted as meaning that proceedings in a foreign (Belgian) court, within the meaning of that provision, must be deemed also to have been brought in a case in which a complaint involving a civil claimant has been lodged with a Belgian investigating judge and the preliminary judicial investigation has not yet been completed?
3. If the answer is in the affirmative: at what stage of the case brought by the lodging of a complaint involving a civil claimant will proceedings be deemed to have been brought and/or the court be deemed to be seised for the purposes of the application of, respectively, Article 27(1) and Article 30 of Regulation No 44/2001?
4. If the answer is in the negative: must Article 27(1) of Regulation No 44/2001 be interpreted as meaning that the lodging of a complaint involving a civil claimant can lead to proceedings subsequently being brought in a Belgian court within the meaning of that provision?
5. If the answer is in the affirmative: at what stage will proceedings be deemed to have been brought and/or the court deemed to be seised for the purposes of the application of, respectively, Article 27(1) and Article 30 of Regulation No 44/2001?
6. If a complaint involving a civil claimant has been lodged but that does not mean that, at the time of lodging, proceedings as referred to in Article 27(1) of Regulation No 44/2001 have yet been brought, and where, in the course of examination of the complaint lodged, proceedings may subsequently be brought with retroactive effect to the date of the lodging of the complaint, does Article 27(1) of Regulation No 44/2001 have the effect that the court seised of the matter after the complaint involving a civil claimant has been lodged with the Belgian court must stay its proceedings until such time as it has been established whether proceedings as referred to in Article 27(1) [of Regulation No 44/2001] have been brought in the Belgian court?

<sup>(1)</sup> 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).