

# CONTENTS

## Private International Law and International Civil Procedure

<i>Bruno Nascimbene</i> , Jurisdiction and applicable law in matrimonial matters: Rome III Regulation? Property rights of married and unmarried couples: Towards EU rules on matrimonial property regimes?	1
<i>Marianne Micha</i> , Distance Selling – Distinction between the sale of goods and the provision of services for the purpose of Article 5(1) (b) Brussels I Regulation and determination of the place of delivery – Annotation on BGH 9 July 2008, VIII ZR 184/07	6
BGH (DE) 9 July 2008 – Brussels I Regulation Article 5(1) (b) – International jurisdiction – Delivery of goods to be produced or manufactured	8
ECJ 28 April 2009 – C-420/07 – <i>Meletis Apostolides v Orams</i> – Protocol No 10; Brussels I Regulation Articles 22(1), 34(1) and (2), 35(1), 38(1) – Area controlled by the Cypriot Government – Immovable property situated outside that area	9
ECJ 2 April 2009 – C-394/07 – <i>Marco Gambazzi v DaimlerChrysler Canada Inc., CIBC Mellon Trust Company</i> – Brussels Convention Article 27(1) – Public policy	16
ECJ 10 February 2009 – C-185/07 – <i>Allianz SpA, formerly Riunione Adriatica di Sicurtà SpA, Generali Assicurazioni Generali SpA v West Tankers Inc.</i> – Brussels I Regulation – Recognition and enforcement of foreign arbitral awards – Scope of application	19
Cour de cassation, 1 <sup>st</sup> Civil Chamber (FR) 31 March 2009 – Brussels I Regulation Article 19(2) (a) – Employment agreement – Place where work is habitually carried out	21
BGH (DE) 5 February 2009 – Brussels Convention Article 1(2) (4) – International jurisdiction – Provisional, including protective, measures ordered by State courts – Arbitration	22
Oberlandesgericht of Hamburg (DE) 18 November 2008 – Brussels I Regulation Articles 34 and 45 – Declaration of enforceability of foreign judgments – Public policy	22
Oberlandesgericht of Hamburg (DE) 7 November 2008 – Brussels I Regulation Article 34(2) – Recognition of a foreign default judgment – Service – Requirement of translation	23
BGH (DE) 16 October 2008 – Brussels Convention Article 6(3), 18 – International jurisdiction – Counter-counterclaim – Challenge to jurisdiction	24
BGH (DE) 22 September 2008 – Brussels I Regulation Article 5(1) – International jurisdiction – Concept of “contractual claim”	24
Oberlandesgericht of Brandenburg (DE) 19 December 2006 – Brussels I Regulation Article 5(1) (b) – Work which has to be performed on the territory of two Member States	25
BGH (DE) 17 July 2008 – Brussels I Regulation Article 39(2) – Enforcement measures	25
ECJ 12 February 2009 – C-339/07 – <i>Christopher Seagon (as liquidator of Frick Teppichboden Supermärkte GmbH) v Deko Marty Belgium NV</i> – Insolvency Regulation Article 3(1), Brussels I Regulation Article 1(2)(b)	26
<b>International and European Commercial and Company Law</b>	
<i>Valery N. Lisitsa</i> , Production Sharing Contracts in Russia	28
Cour de cassation, 1 <sup>st</sup> Civil Chamber (FR) 8 April 2009 – CISG Article 39, Brussels I Regulation Article 23 – Recourse action for warranty – Time limits – Start of time limit	33
<b>European Consumer Law</b>	
BGH (DE) 14 January 2009 – Directive No. 1999/44/EC Article 3(2), (3) Subparas 1 and 2 – Lack of conformity of the consumer goods delivered – Form of remedy – Proportionality	34
<b>Law of the European Organisations</b>	
ECJ 17 February 2009 – C-465/07 – <i>Meki Elgafaji, Noor Elgafaji v Staatssecretaris van Justitie</i> – Council Directive 2004/83/EC Articles 2(e), 15(c) – Minimum standards for determining who qualifies for refugee status or for subsidiary protection status	34
Court of First Instance 20 November 2008 – T 185/05 – <i>Italian Republic v Commission of the European Communities</i> – EC Articles 12, 230 and 290; Council Regulation No 1; Staff Regulations of Officials of the European Community Articles 1(d) and 27 – Rules on languages	38
<b>International and European Tax Law</b>	
ECJ 12 February 2009 – C-67/08 – <i>Margarete Block v Finanzamt Kaufbeuren</i> – EC Articles 56 and 58 – Free movement of capital – Inheritance tax – National rules	52
ECJ 22 January 2009 – C-377/07 – <i>Finanzamt Speyer-Germersheim v STEKO Industriemontage GmbH</i> – EC Article 56 – Corporation tax – Transitional provisions – Deduction of the depreciation of holdings in non-resident companies	55
<b>New Publications</b>	II
Table of Abbreviations	III
Conference Calendar	IV
Masthead	