È competente il tribunale di quale paese?

Il diritto dell'Unione può stabilire il giudice competente nel caso in cui entrambe le parti di una causa inizino il processo in diversi paesi dell'UE.

Ad esempio, due persone residenti rispettivamente in Germania e in Francia hanno un incidente stradale e si citano reciprocamente in giudizio ciascuna nel proprio Stato membro di domicilio per ottenere il risarcimento dei danni.

Per evitare decisioni confliggenti, il diritto dell'Unione determina a quale Stato membro e relativi organi giudicanti spetta conoscere della controversia. Di norma, una persona dovrebbe essere citata in giudizio nello Stato in cui ha il domicilio ma esistono disposizioni speciali per proteggere gruppi quali consumatori, lavoratori dipendenti e chi è assicurato.Inoltre possono essere invocate altre norme sulla giurisdizione in casi specifici, ad esempio, il soggetto contrattualmente inadempiente può essere citato dinnanzi al giudice del luogo dell'adempimento (per esempio il luogo in cui i beni acquistati avrebbero dovuto essere consegnati).

Nell'ambito del diritto di famiglia, le norme dell'Unione determinano il luogo in cui debba svolgersi il procedimento relativo ad una controversia in materia di divorzio, responsabilità genitoriale o alimenti.

Per maggiori informazioni cliccare sulla bandiera del paese desiderato.

Una volta individuato lo Stato membro in base alle norme sulla competenza, è necessario trovare l'autorità giurisdizionale che dovrà pronunciarsi sulla controversia.

L'Atlante giudiziario europeo in materia civile contiene le denominazioni e le sedi di tutti gli organi giurisdizionali degli Stati membri competenti in materia civile e commerciale (tribunali di primo grado, corti d'appello, ecc.) e le aree geografiche di loro competenza.

Ultimo aggiornamento: 30/05/2023

Questa pagina è a cura della Commissione europea. Le informazioni contenute in questa pagina non riflettono necessariamente il parere ufficiale della Commissione europea. La Commissione declina ogni responsabilità per quanto riguarda le informazioni o i dati contenuti nel presente documento. Si rinvia all'avviso legale per quanto riguarda le norme sul copyright per le pagine europee.

Which country's court is responsible? - Belgium

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

See below.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Introduction

For the sake of clarity, in view of the specific characteristics of the Belgian legal system, we will deal with questions 1 and 2.1 together.

A distinction should first be made between jurisdiction by reason of subject-matter (*compétence d'attribution*/*volstrekte bevoegdheid*, also known as *compétence matérielle*/*materiële bevoegdheid*) and territorial jurisdiction (*compétence territoriale*/*territoriale bevoegdheid*).

Any action puts forward a claim, which will often have a monetary value, and the scope of a court's subject-matter jurisdiction is determined by legislation that specifies the nature and value of the claims that the court is permitted to hear.

This answer to questions 1 and 2.1 deals with subject-matter jurisdiction.

The lower courts do not have jurisdiction over the whole of Belgium. The law divides the country into separate areas (subdistricts, districts, etc.). Each court has jurisdiction only in its own area. This is known as territorial jurisdiction, which is described in the answer to question 2.2.

Unlimited jurisdiction: the court of first instance

The court of first instance (*tribunal de première instance*/*rechtbank van eerste aanleg*) has 'unlimited jurisdiction' (*plénitude de compétence*/*volheid van bevoegdheid*). This means that the court of first instance, in contrast to the other courts, can hear all cases, including cases that fall within the jurisdiction of other courts.

Article 568 of the Judicial Code (*Code judiciaire*/*Gerechtelijk Wetboek*) states that the court of first instance will hear all claims except for those that have to be brought directly before the court of appeal (*cour d'appel*/*hof van beroep*) or the Court of Cassation (*Cour de cassation*/*Hof van Cassatie*). The unlimited jurisdiction of the court of first instance is 'conditional', in the sense that a defendant can object that the court lacks jurisdiction because another court has special jurisdiction for the subject-matter. The court of first instance also has exclusive jurisdiction over certain matters. Certain types of dispute must be brought before the court of first instance even where the value of the claim is less than €2 500, an example being claims relating to personal status.

Other courts

A list of the other courts is given below, along with a brief description of their subject-matter jurisdiction.

a) The justice of the peace

Pursuant to Article 590 of the Judicial Code, the justice of the peace (*juge de paix*/*vrederechter*) has general jurisdiction over all claims with a value below €2 500, except for those that the law expressly assigns to another court. Beyond this general jurisdiction, the justice of the peace also has special jurisdiction (see Articles 591, 593 and 594 of the Judicial Code) or exclusive jurisdiction (Articles 595 and 597 of the Judicial Code) over certain matters irrespective of the value of the claim. Examples of matters falling under the special jurisdiction of the justice of the peace are disputes in connection with leases, joint property, rights of way and other servitudes, and maintenance payments. The justice of the peace has jurisdiction to deal with adoption papers and acknowledgments of paternity. Urgent expropriations and the placing of seals on property fall under the exclusive jurisdiction of the justice of the peace.

b) The police court

Pursuant to Article 601 *bis* of the Judicial Code, the police court (*tribunal de police*/*politierechtbank*) hears all claims for compensation resulting from road traffic accidents, irrespective of the amount. Here the police court has exclusive jurisdiction.

c) The commercial court

Pursuant to Article 573 of the Judicial Code, the commercial court (*tribunal de commerce*/*rechtbank van koophandel*) hears, at first instance, disputes between businesses, that is to say disputes between persons or firms engaged in a long-term economic activity which relate to acts carried out as part of that activity and which do not fall under the special jurisdiction of another court.

A non-business claimant who is instituting proceedings against a business can opt to bring the case before the commercial court. The commercial court also hears disputes relating to bills of exchange and promissory notes.
In addition to this general jurisdiction, the commercial court has special and exclusive jurisdiction in certain cases. The matters falling under its special jurisdiction are listed in Article 574 of the Judicial Code. They include disputes relating to commercial companies and actions relating to maritime and inland navigation. Under Article 574(2) of the Judicial Code the commercial court has exclusive jurisdiction in actions and disputes resulting directly from bankruptcy and judicial reorganisation proceedings in accordance with the Bankruptcy Law of 8 August 1997 (*loi du 8 août 1997 sur les faillites*/*faillissementswet van 8 augustus 1997*) and the Law of 31 January 2009 on the continuity of businesses (*loi du 31 janvier 2009 relative à la continuité des entreprises*/*wet van 31 januari 2009 betreffende de continuïteit van de ondernemingen*), where they are governed by the particular law applicable to bankruptcy and judicial reorganisation proceedings.
d) The labour tribunal
The labour tribunal (*tribunal du travail*/*arbeidsrechtbank*) is the main special court, and has jurisdiction essentially in matters specifically assigned to it. These matters are described in Article 578 et seq. of the Judicial Code and are as follows:
employment disputes;
disputes relating to accidents at work and occupational illnesses;
disputes relating to social security.
The labour tribunal has exclusive jurisdiction over the application of administrative penalties laid down by the laws and regulations referred to in Articles 578 to 582 and by the Law on administrative fines applicable in the event of the infringement of certain social laws (*loi relative aux amendes administratives applicables en cas d'infraction à certaines lois sociales*/*wet betreffende de administratieve geldboeten in geval van inbreuk op sommige sociale wetten*), and also over claims relating to the collective settlement of debts.
e) Presiding judges of the lower courts – interlocutory proceedings
Articles 584 to 589 of the Judicial Code stipulate that the presiding judges of the court of first instance, the commercial court and the labour tribunal have power, in all urgent cases, to issue interim rulings in matters falling within the jurisdiction of their court (interlocutory proceedings (*référé*/*kort geding*)). The proviso is that the case must be urgent and the decision must be an interim decision only, a decision that will not prejudice the case itself. Examples are ordering an expert investigation, ordering the hearing of a witness, etc.
f) The judge of attachments
The judge of attachments (*juge des saisies*/*beslagrechter*, see Article 1395 of the Judicial Code) deals with all claims concerning preventive attachments (*saisies conservatoires*/*bewarende beslagen*), the enforcement of judgments, and measures taken by the Office for Maintenance Claims referred to by the Law of 21 February 2003 establishing an Office for Maintenance Claims within the Federal Public Service for Finance (*loi du 21 février 2003 créant un Service des créances alimentaires au sein du SPF Finances*/*wet van 21 februari 2003 tot oprichting van een Dienst voor alimentatievorderingen bij de FOD Financiën*).
g) The juvenile court
The protection of young people is a responsibility of the component communities of the Belgian federal state, but the organisation of the juvenile courts remains a federal matter, and is governed by the federal Youth Protection Law of 8 April 1965 (*loi relative à la protection de la jeunesse du 8 avril 1965*/*wet op de jeugdbescherming van 8 april 1965*). The juvenile court (*tribunal de la jeunesse*/*jeugdrechtbank*) is a division of the court of first instance that deals with measures to protect young people.
h) The family court
The family court (*tribunal de la famille*/*familierechtbank*) has jurisdiction in all family-related disputes. In particular (Article 572 *bis* of the Judicial Code), it has jurisdiction in:
- disputes between spouses and between legal cohabitants;
- disputes concerning parental authority;
- disputes concerning maintenance obligations;
- disputes relating to matrimonial property arrangements.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The basic principle in the Belgian legal system is that the applicant has freedom of choice. The general practice is provided for in Article 624(1) of the Judicial Code. The applicant generally brings the action before the court of the place where the defendant or one of the defendants has their address (*domicile*/*woonplaats*).
What happens if the defendant is not an individual but a legal person? The address of a legal person is the location of its head office (*siège*/*hoofdzetel*), i.e. the place from which it is managed.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The applicant is entitled to bring the case before a different court in certain cases. These options are described, in particular, in Article 624(2) to (4) of the Judicial Code. In addition to the court of the place where the defendant or one of the defendants has their address, the applicant can opt for:
the court of the place where one or more of the obligations in dispute arose, or where the obligations are, have been or should have been performed;
the court of an address for service accepted for the application of the document at issue;
the court of a place where a bailiff (*huissier de justice*/*gerechtsdeurwaarder*) has spoken to the defendant in person, if the defendant or defendants have no address in Belgium or abroad.
It is also settled case-law that in interlocutory proceedings territorial jurisdiction rests with the presiding judge of the place where the judgment is to be enforced.
As regards maintenance payments, Article 626 of the Judicial Code states that claims relating to maintenance connected with the right to social integration assistance can be brought before the court of the address of the applicant (i.e. the family member entitled to maintenance).
These rules, laid down in Articles 624 and 626, are rules that apply in the absence of any provision to the contrary, and the parties are free to deviate from them. Parties can therefore enter into a choice-of-court agreement that provides that any dispute is to be brought only before specified courts at first instance.
There are, however, some exceptions to this basic principle of freedom of choice.
Legislation identifies a number of cases in which the applicant has no choice. These cases are listed mainly in Articles 627 to 629 of the Judicial Code. Examples are:
in disputes relating to contracts of employment (Article 627(9)): jurisdiction lies with the court of the place where the mine, factory, workshop, shop, office or, in general, the premises used to operate the business or pursue the profession or activity of the company, association or grouping is located;

in applications for divorce or legal separation on the grounds of irretrievable breakdown (Article 628(1)): jurisdiction lies with the court of the place of the last marital residence or of the address of the respondent.
Even in these cases, there is still some freedom of choice. Article 630 of the Judicial Code states that after a dispute has arisen the parties may agree to deviate from these legal provisions. Any such agreements made before the dispute arose, however, are null and void.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In certain cases, and in particular those described in Articles 631 to 633 of the Judicial Code, one court has exclusive territorial jurisdiction. The applicant then has no choice, and no choice-of-court agreement can be made either before or after the dispute arises. These cases include the following:
Bankruptcy (Article 631(1) of the Judicial Code): The commercial court that has jurisdiction to declare bankruptcy is the court of the place where the trader has his or her principal place of business, or, in the case of a legal person, where it has its head office on the date of the bankruptcy petition or application to the courts. Secondary bankruptcy: the commercial court of the place where the bankrupt has the relevant place of business. Where there are multiple places of business, the court with jurisdiction is the first court to which an application is made.
Judicial reorganisation (Article 631(2) of the Judicial Code): The commercial court that has jurisdiction is the court of the place where the debtor has his or her principal place of business, or, in the case of a legal person, where it has its head office on the date when the application is filed.
Disputes relating to the application of tax law (Article 632): The court with jurisdiction is the court sitting at the seat of the court of appeal of the place where the office by which the tax was or is to be collected is located, or, if the dispute does not relate to the collection of tax, the place where the tax authority that made the contested decision is established. However, where the proceedings are conducted in German, the court of first instance of Eupen has sole jurisdiction.
Claims concerning preventive attachment and enforcement measures (Article 633): The court of the place of the attachment has jurisdiction, unless otherwise provided by law. In the case of a garnishee order (*saisie-arrêt*/*beslag onder derden*), the court with jurisdiction is the court of the place where the garnishee has his or her address. Where the garnishee's address is outside Belgium or unknown, the court with jurisdiction is the court of the place of enforcement of the garnishment (see also Article 22(5) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

As has already been stated above, the rules of Articles 624 and 626 apply in the absence of any provision to the contrary, and the parties are free to deviate from them. Parties can enter into a choice-of-court agreement that provides that any dispute is to be brought only before specified courts at first instance.
In the cases referred to in Articles 627 to 629 of the Judicial Code, no choice-of-court agreement can be made before the dispute arises. However, under Article 630, such agreements are permitted after the dispute arises.
In the cases described in Articles 631 to 633 of the Judicial Code it is not permitted to enter into a choice-of-court agreement.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The answer to this question is contained in the answer to questions 1 and 2.

Links

Relevant articles of the Judicial Code: Federal Public Service for Justice
Click on *Législation consolidée*/*Geconsolideerde wetgeving* (Consolidated legislation).
Under *Nature juridique*/*Juridische aard* (Legal nature), select *Code judiciaire*/*Gerechtelijk Wetboek* (Judicial Code).
In the *Mot(s)*/*Woord(en)* (Word(s)) field, enter '624'.
Click on *Recherche*/*Opzoeking* (Search).
Click on *Liste*/*Lijst* (List).
* Click on *Justice de A à Z*/*Justitie van A tot Z* (The A to Z of Justice).
* Select: *Cours: compétence*/*Hoven: bevoegdheid* (Courts: jurisdiction).
Help in finding the court with territorial jurisdiction: Federal Public Service for Justice
Click on *Compétence territoriale*/*Territoriale bevoegdheid* (Territorial jurisdiction).
Last update: 29/01/2019
The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Bulgaria

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In civil proceedings, ordinary courts examine and make decisions on disputes and other legal issues arising from relationships in civil law (Article 14(1) of the Code of Civil Procedure (Grazhdanski protsesualen kodeks) (GPK)). Some large provincial courts have stand-alone commercial divisions, separate from the criminal and civil divisions.
Actions for compensation for harm caused to individuals or legal persons by unlawful acts, actions or omissions of executive authorities and their officials in the course of or in connection with the performance of administrative activities are an exception to this rule. Such cases lie within the initial jurisdiction of the administrative courts, which hear all administrative cases concerning the issuance, modification, revocation or annulment of administrative acts and administrative contracts and protection against wrongful acts and omissions of the administration, with the exception of cases falling under the jurisdiction of the Supreme Administrative Court (Varhoven administrativen sad). No other specialised courts have been set up in the area of civil law.
Under Bulgarian law, a crime victim may bring an action for compensation for the harm suffered both under civil procedure and in the criminal proceedings instituted against the accused. A civil action in criminal proceedings may be brought both against the defendant and against other persons who bear civil liability for the harm caused by the offence. It should be borne in mind that the court may refuse to examine the civil action in the criminal proceedings. In such a case, the victim may bring an action and assert their rights under the standard civil law procedure.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The district court (rayonen sad) is the main court with initial jurisdiction over civil cases other than those falling under the initial jurisdiction of a provincial court (okrazhen sad) (Article 103 of the GPK).
Under Article 104 of the GPK, provincial courts have initial jurisdiction over:
establishing or challenging parentage, terminating an adoptive relationship, declaring a person to be under judicial disability or lifting such disability;

ownership of or real rights over a property if the value of your claim is higher than BGN 50 000,
a civil or commercial dispute over a sum of more than BGN 25 000 (unless the dispute concerns maintenance payments, a claim under labour law or the recovery of unauthorised expenditure),
an inadmissible, void or incorrect company registration for which the law provides that the provincial courts have initial jurisdiction;
claims, irrespective of their value, joined in a single application within the jurisdiction of a provincial court, if they are to be examined under the same procedure;
a dispute subject to examination by a provincial court under other legislation.
Under the Commerce Act (Targovski Zakon), actions brought under that Act to defend the rights of an associate of a firm, challenge a decision of the shareholders of a firm, obtain the cancellation of the incorporation of a firm, obtain the closure of a firm or launch insolvency proceedings are examined by the provincial court with jurisdiction over the firm's registered place of business. The competent insolvency court is the provincial court with jurisdiction over the area in which the trader has its head office at the time of the application to open insolvency proceedings.
Administrative courts have initial jurisdiction over cases for compensation for damages caused by unlawful instruments, acts or omissions of administrative authorities and officials.
A civil action brought in criminal proceedings is examined by the court with jurisdiction over the criminal offence committed.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

Actions should be brought before the court with jurisdiction over the district (rayon) where the defendant is resident or has its registered place of business or head office.
Actions against legal persons must be brought before the court with jurisdiction over their registered office. In disputes arising from direct dealings with divisions or branches of legal persons, actions may alternatively be brought before the court exercising jurisdiction over the location of the said divisions or branches.
Actions against the State and government institutions, including their divisions and branches, must be brought before the court within whose jurisdiction the legal relationship underlying the dispute came into being. Where this legal relation was formed abroad, the action must be brought before the competent court in Sofia.
An action against someone with no known address must be brought before the court with jurisdiction over the place of residence of their attorney or legal representative or, if that is not possible, over the applicant's place of residence. This also applies if the respondent is resident outside Bulgaria. If the applicant is also resident outside Bulgaria, the action must be brought before the competent court in Sofia.
Actions against a minor or someone without legal capacity must be brought before the court with jurisdiction over their legal representative's place of residence.
Actions concerning an inheritance, the complete or partial withdrawal of a will, the partitioning of an inheritance or the cancellation of a voluntary partition must be brought according to the place where the estate was opened. If the deceased is a Bulgarian citizen, but the estate is opened outside Bulgaria, the action must be brought either before the court with jurisdiction over the deceased's last Bulgarian residence or in the place where their assets are located.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

An action to make good a financial claim based on a contract may be brought before the court with jurisdiction over the respondent's current place of residence.
Maintenance claims may also be brought before the court with jurisdiction over the applicant's place of residence.
Workers may also bring an action against the employer at their habitual place of work.
Disputes under labour law between foreign persons, firms or joint ventures whose registered place of business is in Bulgaria on the one hand and foreign employees working for them inside Bulgaria on the other, come under the courts in the employer's registered place of business, unless the parties have agreed otherwise.
Disputes under labour law between employees with Bulgarian citizenship working abroad for Bulgarian employers come under the courts in Sofia if the case is brought against the employer, and under those in the employee's Bulgarian residence if the case is brought against the employee.
An action for wrongful damage may be brought before the courts where the damage occurred.
An action against respondents from different judicial districts or concerning property spread over more than one judicial district may be brought before the court of the applicant's choice in one of those districts.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Actions concerning real rights over a property, partition of a co-property or establishing the boundaries of or re-establishing ownership rights over a real property must be brought before the courts where the property is located. Actions concerning a deed confirming real rights in a property or aimed at severing, dissolving or voiding a real property deed must also be brought before the court that has jurisdiction for the property..
Actions by and against consumers must be brought before the court with jurisdiction over the consumer's present address, and if there is no present address, over the consumer's permanent address.
Actions for compensation under the Insurance Code (Kodeks za zastrahovaneto) initiated by the injured person against an insurer, the Guarantee Fund (Garantsionen fond) and the National Bureau of Bulgarian Motor Insurers (Natsionalno byuro na balgarskite avtomobilni zastrahovateli) must be brought before the court with jurisdiction over the place where plaintiff's permanent address or registered office was located when the insured event occurred or over the place of occurrence of the insured event.
An action for compensation for harm resulting from a criminal offence must be lodged for simultaneous examination in the criminal proceedings with the court before which the criminal charge is brought.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

In principle, a jurisdiction determined by statute may not be reassigned by agreement between the parties.
However, the parties to a property dispute can depart from the rules of territorial jurisdiction by signing an agreement attributing jurisdiction to a particular court. This is not possible, however, if the action concerns real property rights, partition of co-property, establishing the boundaries of or re-establishing ownership rights over real property, a deed confirming real rights in a property or is aimed at severing, dissolving or voiding a real property deed, in which cases the law determines which court has territorial jurisdiction.
In actions concerning consumer protection or labour law, agreements between the parties over which court will have jurisdiction are valid only if signed after the dispute arose.
The parties to a property dispute may agree to settle the matter by arbitration, unless it concerns real rights or real property, maintenance payments or labour law. In order to launch arbitration proceedings, all parties involved must conclude a special procedural agreement (arbitrazhno sporazumenie or arbitration

agreement). The arbitration court may use any relevant sources of international law and a specific Bulgarian source: the Arbitration in International Trade Disputes Act (Zakon za mezhdunarodniya targovski arbitrazh).
Under the Arbitration in International Trade Disputes Act, an arbitration agreement means that all parties involved request an arbitration court to settle all or part of the disputes that may arise or have arisen between them within a given contractual or non-contractual relationship. The agreement can take the form of an arbitration clause in another contract or a separate agreement. An arbitration agreement must be in writing. An arbitration court can be a permanent institution or can be created to settle a particular dispute. An arbitration court can sit outside Bulgaria if one of the parties is normally based outside Bulgaria, has its place of business there according to its statutes or has its central management there.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The only specialised courts in Bulgaria with jurisdiction over disputes in civil law are the administrative courts.
Actions against the executive authorities for compensation for damages may be brought before the administrative court with jurisdiction over the place where the injury occurred or over the injured party's present address or registered office, and where such actions are joined to a challenge to the administrative act itself, they must be brought before the court with jurisdiction over the appellant's address or registered office (Article 133(5) of the Administrative Procedure Code (Administrativno protsesualen kodeks)).
All administrative cases come under the administrative courts, except those that come under the Supreme Administrative Court. The Supreme Administrative Court has initial jurisdiction over challenges to: a regulation issued by a public authority other than a municipal council, a regulation issued by the Council of Ministers, the Prime Minister, a deputy prime minister or a minister, a decision by the Supreme Judicial Council, a regulation issued by the Bulgarian National Bank any other regulation for which the law provides that the Supreme Administrative Court has initial jurisdiction.

Last update: 12/06/2020

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Czechia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Czech civil law has no procedural rules designating specialised courts to deal with specific types of cases. In civil cases the general court has, in principle, jurisdiction to resolve disputes in all civil law matters. These are materially defined in such a way that in civil judicial proceedings, the courts shall hear and decide on disputes and other legal cases following from private law relationships (Section 7(1) of Act No. 99/1963 Coll., the Civil Procedure Code, as amended). Further, a new law has come into force in the Czech Republic from 1.1. 2014, Act No. 292/2013 Coll., on special judicial proceedings. Under this Act, courts deal with and decide on the legal matters set out in this Act.
In certain cases special legislation confers the power to decide on civil law matters to administrative authorities. However, in this case the decision by the administrative authority may always be subsequently reviewed by a civil court in proceedings pursuant to Part Five of Act No. 99/1963 Coll., the Civil Procedure Code, as amended (Section 244 et seq.).

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

In the Czech Republic, the civil courts of first instance are district courts (*okresní soud*) and regional courts (*krajský soud*) and, in rare cases, the Supreme Court of the Czech Republic (*Nejvyšší soud České republiky*).
1. The district courts have jurisdiction to hear proceedings in the first instance, unless the law expressly provides that the jurisdiction lies with the regional courts or the Supreme Court of the Czech Republic.
2.

a) According to Act No. 99/1963 Coll., regional courts have jurisdiction over the following cases in the first instance:

in disputes concerning mutual settlement of overpayments of a pension insurance allowance, sickness insurance, state social support and material need assistance and in disputes concerning the mutual settlement of regressive compensation paid as a result of entitlement to sickness insurance benefits,
in disputes concerning the illegality of a strike or lock-out,
in disputes concerning a foreign state or persons enjoying diplomatic immunities and privileges if these disputes fall within the jurisdiction of the Czech courts,
in disputes concerning the annulment of an arbitrator's decision regarding the enforcement of obligations arising from a collective agreement,
in cases following from legal relationships connected with establishing commercial corporations, foundations, endowments and endowment funds and in disputes between commercial corporations, their partners or members as well as in disputes between partners or members arising from their participation in the commercial corporation,
in disputes between business corporations, their partners or members and members of the statutory bodies thereof or liquidators, if the disputes concern the exercise of the office of members of the statutory bodies or liquidation,
in disputes following from copyright law,
in disputes concerning the protection of rights infringed on or threatened by unfair competition or unlawful restrictions on competition,
in matters concerning the protection of the name and reputation of a legal person,
in disputes concerning financial security and disputes relating to bills of exchange, cheques and investment instruments,
in disputes arising from commodity exchange trades,
in matters relating to Owners' Association General Assemblies and disputes arising therefrom,
in matters relating to the transformation of companies and cooperatives, including any compensation proceedings, pursuant to a special legal regulation,
in disputes concerning the purchase of a plant, the lease of a plant or a part thereof,
in disputes concerning contracts for building work which are above-limit public contracts, including the supplies necessary to execute such contracts.

b) According to Act No. 292/2013 Coll. regional courts have jurisdiction over the following cases at first instance:

concerning the status of legal entities, including their dissolution and liquidation, the appointment and removal of members of their statutory bodies or the liquidator, their transformation and issues concerning their generally beneficial status,
in matters of custodianship of legal entities,
concerning deposits to meet obligations to provide consideration or compensation to more than one person on the basis of a court decision under the Commercial Corporation Act or the Companies and Cooperatives Transformation Act (hereinafter referred to as "mandatory deposit"),
in matters concerning the capital market,

concerning preliminary consent to carry out investigations in matters of protection of competition,
concerning replacement of the consent of a representative of the Czech Bar Association or the Chamber of Tax Advisers for access to the contents of documents.
3. The Supreme Court of the Czech Republic has jurisdiction in the first and only instance in proceedings to recognise foreign judgements on divorce, legal separation, annulment of a marriage and determining whether the marriage exists or not, if at least one of the parties is a citizen of the Czech Republic, pursuant to Section 51 of Act No. 91/2012 Coll., on private international law. However, this procedure is not followed when recognising judgements from other EU member states in cases where Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 applies, or where a bilateral or multilateral treaty providing for a procedure other than Czech law applies.
The Supreme Court also has jurisdiction over matters concerning the recognition of a foreign judgement determining and denying parenthood, pursuant to Section 55 of Act No. 91/2012 Coll., on private international law.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

The circumstances existing at the time proceedings are initiated are decisive for determining subject-matter jurisdiction (see question 2.1) and territorial jurisdiction. Any subsequent change to these circumstances (e.g. a change in the place of residence of the defendant) are, with a few exceptions (transfer of jurisdiction for cases concerning care of minors, custody and legal capacity proceedings) irrelevant.
According to Section 105 paragraph 1 of Act No. 99/1963, the Code of Civil Procedure, the court is as a rule authorised to examine territorial jurisdiction only at the beginning of the proceedings – until the end of the preparatory proceedings or, if no preparatory proceedings are held, before starting to hear the merits of the case, i.e. until such time as it calls on the plaintiff to bring an action during initial proceedings, or until it issues a decision in the event it rules without a hearing. Subsequently, territorial jurisdiction may only be examined if preparatory proceedings have not taken place and a party has raised an objection to local jurisdiction on the first occasion it was entitled to do so. It is possible that, in certain cases, a number of courts will have territorial jurisdiction. The plaintiff may choose between the general court and the courts designated in Section 87 of Act No. 99/1963 Coll., the Code of Civil Procedure (e.g. according to workplace, in cases of compensation according to the place where the damage occurred). The plaintiff must choose at the latest when the action is brought – the court where the proceedings were first initiated will have jurisdiction.
For specific legal matters, territorial jurisdiction is determined by Act No. 292/2013 Coll., on special judicial proceedings.

2.2.1 The basic rule of territorial jurisdiction

The basic rules of territorial jurisdiction are set out in Sections 84 to 86 of Act No. 99/1963 Coll., the Code of Civil Procedure and in Section 4 of Act No. 292 /2013 Coll. However, it should be borne in mind that in certain cases territorial jurisdiction may be regulated by a directly applicable EU law, which takes precedence over national legislation (see certain provisions of Regulation No 44/2001, which not only regulates international, but also territorial jurisdiction), which means that the rules of territorial jurisdiction under Czech law do not always apply.
The basic rule in Act No. 99/1963 Coll., the Code of Civil Procedure is that the court of general jurisdiction is the general court of the defendant. The general court is always the district court. Where a regional court has jurisdiction in the first instance (see question 2.1), the regional court in whose district the party's general (district) court is located has territorial jurisdiction. Where a claim is made against several defendants, the general court of any of them has territorial jurisdiction.
The general court of a natural person is the district court in whose district he/she has his/her residence and if the party has none, then the court in whose district he/she is staying. A residence is understood to mean the place where an individual lives with the intention of staying there permanently (it is possible that there are a number of such places, in which case all such courts are the general court).
The general court of a natural person involved in business is, for cases arising from business activities, the district court in whose district he/she has his/her place of business (the place of business is the address entered in the public register); if he/she has no place of business, the district court in whose district he /she has his/her residence and if the party has none, the district court in whose district he/she is staying.
The criterion for determining the general court of a legal entity is its registered office (see Sections 136 – 137 of Act No. 89/2012 Coll., the Civil Code).
The general court of an insolvency trustee during the performance of his/her office is the district court in whose district he/she has a registered office.
Special rules apply to the general court of the State (the court in whose district the organisational unit of the state with jurisdiction under a special legal regulation has its registered office, and, if the court with territorial jurisdiction cannot be determined in this way, the court in whose district the circumstances giving rise to the right claimed took place), a municipality (the court in whose district the municipality is located) and a higher territorial self-governing unit (the court in whose district its administrative bodies have their registered offices).
If the defendant, being a citizen of the Czech Republic, has no general court, or has no general court in the Czech Republic, the court in whose district he /she had his/her last known residence in the Czech Republic has jurisdiction. Property rights may be exercised against someone who has no other competent court in the Czech Republic by the court in whose district his/her assets are located.
An action (petition for commencement of proceedings) against a foreign person may also be brought before a court in whose district in the Czech Republic its plant, or an organisational unit of its plant, are located.
The provisions of Section 4 of Act No. 292/2013 Coll., on special judicial proceedings state that jurisdiction for proceedings lies with the general court of a person in whose interest the proceedings are taking place, unless otherwise provided for in that Act. The general court of a minor who does not have full legal capacity is the court in whose district the minor has his/her residence as determined by an agreement between the parents or a court decision or by other deciding circumstances.

2.2.2 Exceptions to the basic rule

Besides the territorial jurisdiction of the general court of the defendant, another special territorial jurisdiction exists, which is (a) special territorial jurisdiction by choice (see question 2.2.2.1 below) and (b) exclusive special territorial jurisdiction (see question 2.2.2.2 below). A prorogation agreement is also possible for commercial matters (see question 2.2.2.3 below).
Furthermore, according to Section 5 of Act No. 292/2013 Coll., on special judicial proceedings, should the circumstances determining jurisdiction change in proceedings on court custody of a minor, in custody matters and in proceedings on legal capacity, the court is entitled to transfer its jurisdiction to another court, if this is in the interest of the minor, the guardian or the person whose legal capacity is being decided. However, the transfer of jurisdiction pursuant to this paragraph is always dependent on the consideration of the court.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

This is the so-called "special territorial jurisdiction by choice" which is regulated by Section 87 of Act No. 99/1963 Coll., the Code of Civil Procedure. The plaintiff may choose whether to bring an action at the general court of the defendant or at another court with territorial jurisdiction. However the rules of territorial jurisdiction must be respected – if a regional court has jurisdiction in the first instance, the plaintiff must bring an action at the regional court. As

soon as the action has been delivered to the court, the plaintiff may not change his/her choice. If territorial jurisdiction is regulated by a directly applicable EU regulation, which has precedence over national legislation (see certain provisions of Regulation No 44/2001, which regulates not only international, but also territorial jurisdiction), rules on territorial jurisdiction based on choice under Czech law may not be applied.
Instead of the general court of the defendant, the plaintiff may choose a court in whose district:
the defendant has his/her permanent place of work;
circumstances that give rise to a right to compensation have occurred;
the organisational unit of the plant of a natural or legal person, who is the defendant, is located, if the dispute concern this unit;
a person who organises a regulated market or operates a multilateral trading system has his/her registered office, in the case of a commercial dispute concerning a regulated market organised by this person, or the settlement of such business, or
in a multilateral trading system operated by this person, or the settlement of such trade,
the place of payment is located, where a right arising from a bill of exchange, promissory note or other security is exercised;
the registered office of a commodity exchange is located, in the case of a dispute concerning a commodity exchange trade.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

This is the so-called “exclusive special territorial jurisdiction”, which is regulated by Section 88 of Act No. 99/1963 Coll., the Code of Civil Procedure, and certain provisions of Act No. 292/2013 Coll., on special judicial proceedings. If exclusive territorial jurisdiction has been imposed for certain matters, territorial jurisdiction may not be determined according to the defendant’s general court or according to the court of choice.
If territorial jurisdiction is regulated by a directly applicable EU regulation, which has precedence over the national legislation (see certain provisions of Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which not only regulates international, but also territorial jurisdiction), the rules of exclusive territorial jurisdiction under Czech law may not be applied.
According to Section 88 of Act No. 99/1963 Coll., the Code of Civil Procedure, exclusive territorial jurisdiction is primarily imposed for the following proceedings:
settlement of common property of spouses or other assets or cancellation of joint tenancy of a flat after divorce – the court that decided on the divorce has territorial jurisdiction
proceedings on the right to immovable property (the proceedings must directly concern the right to the property – this mainly concerns rights in rem or tenancy rights) – the court in whose district the property is located has territorial jurisdiction, provided that these are not proceedings to settle common property of spouses or other assets or cancellation of joint tenancy of a flat after divorce (in these cases the court that decided on the divorce would have territorial jurisdiction – see above)
proceedings to decide a dispute relating to probate proceedings – the court in which the probate proceedings are taking place has territorial jurisdiction
Act No 292/2013 Coll., on special judicial proceedings, provides for special territorial jurisdiction for the following proceedings in particular:
divorce proceedings, proceedings to determine whether the marriage exists or not and on the invalidity of marriage – according to Sections 373 and 383 this is the court in whose district the spouses had their last common place of residence in the Czech Republic, provided at least one of the spouses lives in that district; if such a court does not exist, the general court of the spouse who did not file an application to initiate proceedings has jurisdiction and if even this court does not exist, the general court of the spouse who filed an application to initiate proceedings
probate proceedings – according to Section 98 this is the place of registered permanent residence of the deceased, his/her last place of residence or the place where he/she stayed, where the immovable property of the deceased is located or where he/she died (these are hierarchical criteria)
proceedings in matters of international child abduction (return of a child) – according to Section 479, the court that has territorial jurisdiction is the court in whose district the Office for the International Legal Protection of Children has its registered office – i.e. the Municipal Court in Brno.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Parties only have the option to agree on a different territorial jurisdiction to the one provided for by law (a so-called prorogation agreement) under Section 89a of Act No. 99/1963 Coll., the Code of Civil Procedure in matters concerning relations between enterprises arising from business activities and only on the condition that no exclusive territorial jurisdiction pursuant to Section 88 of Act No. 99/1963 Coll., the Code of Civil Procedure, has been established for the given case (see above). A prorogation agreement must be in written form. If the plaintiff files a claim to the selected court and the prorogation agreement is invoked, the agreement (in a credible form – preferably the original or a certified copy) should be attached to the claim, although this is not a precondition under the current legislation.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

There are no specialised courts in the Czech Republic (see the response to question 1).

Last update: 16/09/2020

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Germany

The international jurisdiction of German courts is determined either according to relevant legal acts of the European Union or through autonomous international law of civil procedure, which also includes international conventions. The questionnaire covers only matters of national jurisdiction.

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

There are two different systems of courts for civil disputes in Germany, the civil courts (*Zivilgerichte*) and the labour courts (*Arbeitsgerichte*).
Labour courts have jurisdiction in respect of all civil disputes between employees and employers and disputes between the social partners. The other responsibilities of the labour courts arise from Sections 2 and 2a of the Labour Courts Act (*Arbeitsgerichtsgesetz*, ArbGG). Under Section 5(1), second sentence, of the Labour Courts Act, they also have jurisdiction for disputes between persons in a comparable situation to employees and their customers. All other civil disputes come within the jurisdiction of the civil courts, which are part of ordinary jurisdiction.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The civil courts of first instance are the local courts (*Amtsgerichte*) and the regional courts (*Landgerichte*).
1. The local courts generally have jurisdiction in civil disputes if the value in dispute does not exceed €5 000 and the regional court does not have exclusive jurisdiction (Section 23 No 1 of the Judicature Act (*Gerichtsverfassungsgesetz*, GVG).
The local courts also have exclusive jurisdiction in the following cases, regardless of the value in dispute (Sections 23 and 23a of the Judicature Act).

The local courts have jurisdiction to hear disputes regarding claims arising from a residential lease or regarding the existence of such a lease (Section 23 No 2(a) of the Act).
Additionally, the local courts have exclusive jurisdiction in family cases, and generally in matters relating to the noncontentious jurisdiction (Section 23a(1), first sentence, Nos 1 and 2).
The local courts also have exclusive jurisdiction in other matters arising out of Section 23 No 2, b–d and g of the Judicature Act.
2. The regional courts have jurisdiction at first instance in respect of all civil disputes that are not allocated to the local courts. These are primarily cases where the value in dispute is more than €5 000.
In particular, the regional courts have exclusive jurisdiction under Section 71(2) of the Act, irrespective of the value in dispute:
- for claims against the tax authorities based on civil service legislation,
- for claims based on false, misleading public capital market disclosures or on the failure to make such disclosure, on the use of false or misleading public capital market disclosures or on failure to inform the public that such public capital market disclosures are false or misleading,
- for disputes concerning the buyer's right to order and the contractor's resulting claim to adaptation of remuneration for construction contracts within the meaning of Section 650a of the Civil Code (*Bürgerliches Gesetzbuch*, BGB),
- and for claims relating to the liability of public officials.

The regional courts may establish commercial divisions (Section 93 of the Judicature Act). These have jurisdiction among other things for civil law claims against businesses and disputes under the law governing cheques and bills of exchange. Section 95 of the Judicature Act contains an exhaustive list of the jurisdictions of the commercial divisions. The claimant must apply in the originating application for the matter to be heard before the commercial division (Section 96(1) of the Act).

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

In Germany, the general rule of jurisdiction in the Code of Civil Procedure (*Zivilprozessordnung*, ZPO) (Sections 12-18) is that territorial jurisdiction is determined by the place where the defendant lives. If a person has no permanent place of residence, the basis is the place where they are staying in Germany, and, if no such place is known, their last permanent place of residence (Section 16 ZPO). In the case of a legal entity, territorial jurisdiction is determined by its registered office (Section 17 ZPO).

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

For certain types of claim, the claimant may alternatively choose a special, but not an exclusive jurisdiction, different from that where the defendant lives. Examples of this are as follows:
* Disputes arising from a contractual relationship and disputes about the existence of a contract may also be commenced in the court of the place where the disputed obligation is to be performed (specific jurisdiction of the place of performance, Section 29(1) of the Code of Civil Procedure). An agreement regarding the place of performance is relevant for procedural purposes only if the contracting parties belong to the category of people who are authorised to conclude choice-of-jurisdiction agreements under Section 38(1) of the Code of Civil Procedure, see 2.2.2.3.
The term 'contractual relationship' includes all contracts governed by the law of obligations, regardless of the type of obligation. Where the labour courts have jurisdiction, the provision applies *mutatis mutandis*.
* For claims arising in civil liability for wrongful acts, the court in whose area the act took place also has jurisdiction (Section 32 of the Code of Civil Procedure).
* According to Section 20 of the Road Traffic Act (*Straßenverkehrsgesetz*, StVG), the court in the district of which the harmful event, i.e. the traffic accident, occurred also has jurisdiction for claims based on that Act.
* The victim of a criminal act may in the course of criminal proceedings submit applications intended to assert financial claims accruing to him from the criminal act in the court where the charge has been brought (joining the criminal proceedings under Sections 403 and 404 of the Code of Criminal Procedure (*Strafprozessordnung*, StPO)).
* Territorial jurisdiction in respect of divorce proceedings is regulated in Section 122 of the Act on proceedings in family matters and in matters of non-contentious jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit*, FamFG). Accordingly, territorial jurisdiction lies solely with the family court (*Familiengericht*, a division of the local court) in the district of which one of the spouses with all the couple's under-age children have their usual residence (meaning the actual focus of their lives). If no such usual residence with all the couple's under-age children exists at the time when the proceedings become pending, i.e. at the time of service of the application document, sole jurisdiction lies with the family court in the district of which one of the spouses is usually resident together with some of the couple's under-age children, provided that none of the couple's children are usually resident with the other spouse.
If this does not establish jurisdiction, sole jurisdiction lies with the family court in the district of which the spouses last had their joint habitual residence, if one of the spouses is still usually resident there at the time when the proceedings become pending (see above). If this does not apply either, the point of reference is the opposing party's habitual place of residence, unless there is no such place of residence in Germany. In this event, the point of reference is the applicant's habitual place of residence.
If this does not establish jurisdiction either, the Family Court at the Berlin-Schöneberg Local Court has sole jurisdiction.
* Territorial jurisdiction for maintenance matters is regulated in Section 232 of the Act on proceedings in family matters and in matters of non-contentious jurisdiction. The court where actions relating to matrimonial matters are or have been pending at first instance has exclusive jurisdiction with regard to maintenance for spouses and children, while these actions are still pending.
If an action relating to matrimonial matters is no longer pending, the court in the district of which the child or the parent who has authority to act on behalf of the under-age child has their usual residence has sole jurisdiction with regard to maintenance matters for an under-age or equivalent child. This does not apply in the case of the child or parent having their usual residence abroad.
For all other maintenance matters (maintenance of spouses or children not covered by the provisions above, but also maintenance of grandchildren, parents or single mothers), the general provisions remain applicable, i.e. the usual residence of the opposing party takes precedence. For some special cases, there is also the choice of jurisdiction pursuant to Section 232(3), second sentence, of the Act on proceedings in family matters and in matters of non-contentious jurisdiction.
* In proceedings relating to parental responsibility or the right of access, the same applies under Section 152 of the Act, i.e. if proceedings are pending for the dissolution of the marriage, this court retains jurisdiction. If no proceedings in marital matters are pending, the reference point is the usual residence of the child. The date of reference for determining jurisdiction is the date on which the matter is referred to the court.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Where a statute expressly states that a place of jurisdiction is exclusive, it takes precedence over all other jurisdictions, i.e. the proceedings can be brought (admissibly) only before the court with exclusive jurisdiction. Exclusive places of jurisdiction arise mainly from the Code of Civil Procedure, but also as a result of special statutes (e.g. Section 122 of the Act on proceedings in family matters and in matters of non-contentious jurisdiction).
If the proceedings relate to land or to a right equivalent to land (e.g. a hereditary building right), exclusive jurisdiction lies in some cases with the court in whose district the immovable property is located; this applies to proceedings relating to ownership or encumbrances on immovable property, disputes about freedom from such encumbrances, possessory actions, boundary disputes and actions for partition (Section 24 of the Code of Civil Procedure).
In the case of disputes arising from leases or tenancies of premises or the existence of such arrangements, sole jurisdiction lies with the court in the district of which the leased or tenanted premises are located (Section 29a(1) of the Code of Civil Procedure). This provision does not, however, apply to rental of residential premises for temporary use (holiday homes, hotel rooms etc.), furnished premises for individual tenants or to houses and premises for official duties (Section 29a(2)).
In the case of proceedings against the owner of a plant located in Germany, in which a claim to compensation is asserted for damages caused by effects on the environment, exclusive jurisdiction lies with the court in the district of which the plant's effects on the environment originated (Section 32a).
In the case of proceedings for compensation due to false or misleading public capital market disclosures or failure to make such disclosures to the public, or for performance of a contract based on an offer pursuant to the Securities Purchase and Takeover Act (*Wertpapiererwerbs- und Übernahmegesetz*), the court has exclusive jurisdiction that is located at the registered seat of the issuer concerned, of the offeror concerned of other capital investments, or of the target company, where this registered seat is situated within Germany and the complaint is directed, at least also among others, against the issuer, the offeror, or the target company (Section 32b).
In debt collection proceedings (using the payment order procedure (*Mahnverfahren*)), sole jurisdiction lies with the local court with ordinary jurisdiction for the applicant, in other words the court of the place where the applicant has his or her residence or, in the case of legal persons, its registered office (Section 689 (2), first sentence, of the Code of Civil Procedure). If the applicant does not have a general place of jurisdiction in Germany, the Wedding Local Court in Berlin has sole jurisdiction. This applies even if a different exclusive jurisdiction is specified in other legislation.
In enforcement proceedings, exclusive jurisdiction lies with the local court in whose district the enforcement is to take place or has taken place (Sections 764 (2) and 802 of the Code of Civil Procedure). In the case of enforcement of claims and other property rights, the local court in the place of residence of the debtor has jurisdiction (Section 828(2)). In the case of forced sale by auction or forced administration of land, exclusive territorial jurisdiction as court of execution lies with the local court in the district of which the land is located (Sections 1(1) and 146 of the Act on Compulsory Auction and Administration (*Gesetz über die Zwangsversteigerung und die Zwangsverwaltung* (ZVG)) and Sections 802 and 869 of the Code of Civil Procedure).
If a third party claims to have title preventing the disposal of an object subject to compulsory enforcement, the court in the district of which compulsory enforcement is being pursued has sole jurisdiction (Section 771 of the Code of Civil Procedure).
Where an obligation cannot be performed by anyone except the obliged party (it is an *unvertretbare Handlung*), the trial court of first instance has jurisdiction to enforce it, whether it is an obligation to do something, or to permit something, or to refrain from doing something (Sections 894, 895, 888, 890 of the Code of Civil Procedure). The trial court of first instance also has jurisdiction for actions raising an objection to the claim established by judgment (§ 767 of the Code of Civil Procedure).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

a) Agreements

The Code of Civil Procedure provides for the possibility of choiceofjurisdiction agreements. Under Section 38(1) of the Code, a court of first instance that has no jurisdiction *per se* can acquire jurisdiction as a result of an express or implied agreement between the parties, if the parties are businesses, legal entities under public law or public-law special funds. A particular court of first instance may also be given jurisdiction if at least one of the contracting parties is not within the ordinary jurisdiction of any court in Germany (Section 38(2) of the Code of Civil Procedure). In the latter case, the agreement must be made in writing or, if it is made orally, confirmed in writing. If one of the parties is within the ordinary jurisdiction of a court in Germany, any choiceofjurisdiction clause must as far as Germany is concerned name either that court or a special court with established jurisdiction in the case.
Under Section 38(3) of the Code of Civil Procedure, a choiceofjurisdiction agreement is admissible only if it has been entered into expressly and in writing after the dispute arose or to cover the possibility of the future defendant moving their address or habitual residence abroad after the contract is concluded, or of their address or habitual residence not being known at the time proceedings commence.
A choiceofjurisdiction agreement must always relate to a particular legal relationship and legal disputes arising from it; otherwise it is invalid (Section 40(1) of the Code of Civil Procedure). A choiceofjurisdiction agreement is also inadmissible if it deals with nonfinancial claims which are allocated to the local court, regardless of the value of the object of the dispute. A choiceofjurisdiction agreement is not possible if an exclusive jurisdiction is established by law (Section 40(2)).
A valid choiceofjurisdiction agreement is binding on the courts; the question of whether exclusive jurisdiction has been agreed depends on the wording of the agreement.

b) Failure to dispute jurisdiction

Jurisdiction may also be conferred on a court of first instance if the defendant makes oral submissions in the main action without arguing lack of jurisdiction (Section 39 of the Code of Civil Procedure). In proceedings before the local courts, this legal consequence follows only if the court has drawn attention to the issue (Section 504).
However, jurisdiction cannot be conferred by a failure to dispute jurisdiction in the main action if a choiceofjurisdiction agreement would be inadmissible (see above, non-financial disputes and exclusive jurisdiction).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Particularities arise from the labour court's special jurisdiction not only with regard to operational jurisdiction pursuant to Sections 2-3 of the Labour Court Act (*Arbeitsgerichtsgesetz*, ArbGG).
Particularities are also to be observed with regard to territorial jurisdiction. For proceedings leading to a judgment within the meaning of Section 2 of the Labour Court Act, reference is first made to the general rules of the Code of Civil Procedure under Sections 12-40 (Section 46(1) of the Code). However, Section 48(1a) of the Labour Court Act establishes the special area of jurisdiction (see 2.2.2.1) of the place of work, before which actions can also be brought. The general rules as presented under question 2 apply to jurisdiction agreements. However, it should be noted that, for certain disputes, the social partners are entitled under Section 48(2) of the Act to specify the jurisdiction of a court without territorial jurisdiction *per se*, without observing Section 38(2) and (3) of the Code.
For proceedings leading to an order within the meaning of Section 2a of the Labour Court Act, Section 82(1) of the Act stipulates the exclusive jurisdiction of the place of operation or the registered office of the undertaking.

Last update: 31/07/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Estonia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Civil matters fall within the competence of county courts (*maakohus*). County courts as courts of first instance hear civil matters. Civil matters cover a wide range of areas and involve disputes arising from different contracts and obligations, family and succession matters, disputes over real rights, issues regarding the activities and management of companies and non-profit associations, bankruptcy matters and labour law issues.

In order to initiate a civil matter, a statement of claim or an application for a matter on petition must be submitted to a county court. The statement of claim to be submitted to the court must indicate the person against whom the claim is being made, what is being claimed, the factual circumstances underlying the claim, and which evidence supports which circumstances.

The conduct of proceedings in civil matters is regulated by the Code of Civil Procedure (*tsiviilkohtumenetluse seadustik*).

Although no specialised courts exist in Estonia, certain disputes can be addressed to extrajudicial committees before exercising the right of recourse to the courts.

For instance, labour disputes may be resolved by the **Labour Dispute Committee** (*töövaidluskomisjon*). The Labour Dispute Committee is an independent pre-trial body that resolves individual labour disputes. Both employees and employers have the right of recourse to the Committee whilst remaining exempt from state fees. The resolution of labour disputes by the Labour Dispute Committee is governed by the Labour Dispute Resolution Act (*töövaidluse lahendamise seadus*). Proceedings of the Labour Dispute Committee do not constitute a mandatory pre-trial procedure. A decision of the Labour Dispute Committee which has entered into force is binding on the parties. The Labour Dispute Committee may be addressed in order to resolve the following disputes arising from labour relations: 1) a labour dispute arising from the labour relation between an employee and an employer registered in Estonia, operating in Estonia through a branch or registered as a non-resident employer and from the preparation for such a labour relation (individual labour dispute); 2) a labour dispute arising from Section 7 of the Working Conditions of Employees Posted to Estonia Act between an employee posted to Estonia and their employer (individual labour dispute); 3) a collective labour dispute arising from the performance of a collective agreement (collective labour dispute). The Labour Dispute Committee does not resolve disputes over compensation for damage caused by damage to health, a bodily injury or death due to an occupational accident or occupational disease. The application submitted to the Labour Dispute Committee should set out the applicant's clearly expressed claim as well as the circumstances that are relevant to the dispute. For instance, when challenging the cancellation of an employment contract, the time of and reason for cancellation should be given. It is necessary to describe the nature of the disagreement between the parties, i.e. what the employee or the employer has failed to do or has done illegally. Any statements and claims will need to be substantiated and, for that reason, any circumstances that are supported by documentary evidence (employment contract, mutual agreements or correspondence between the employee and the employer, etc.) or any reference to other evidence and witnesses should be included. This documentary evidence, which substantiates the claim of the employee or the employer, should be enclosed with the application when it is submitted. If the applicant considers it necessary to invite a witness to the meeting, the witness's name and address should be included in the application. Claims arising from a contract between a consumer and a trader can be resolved by the **Consumer Disputes Committee** (*tarbijavaidluste komisjon*). The resolution of consumer disputes by this Committee is governed by the Consumer Protection Act (*tarbijakaitseseadus*). The Consumer Disputes Committee is competent to resolve both domestic and cross-border consumer disputes which arise from contracts between consumers and traders and which are initiated by a consumer if one of the parties to the dispute is a trader whose place of establishment is in the Republic of Estonia. The Consumer Disputes Committee is also competent to settle disputes relating to damages caused by a defective product, provided that a loss can be established. If the fact that a loss has been caused is established, but the exact amount of the loss cannot be quantified (for example, in the event of a non-monetary loss or losses arising in the future), the amount of indemnity shall be determined by a court. The Committee does not settle disputes relating to the provision of non-economic services of general interest, educational services provided by legal persons governed by public law, health care services provided to patients by healthcare professionals for the evaluation, preservation or restoration of their health, or the prescription, issuing or supplying of medicines and medical devices. Nor does the Committee resolve a dispute if the claim arises from an event of death, bodily injury or damage to health, or disputes for which the resolution procedure is prescribed by other Acts. Such disputes are settled by a competent institution or by a court. Proceedings of the Consumer Disputes Committee do not constitute a mandatory pre-trial procedure and the resolution of a dispute does not result in a decision subject to compulsory enforcement in enforcement proceedings. A list of the traders who have failed to comply with the decisions of the Committee is published on the website of the Consumer Protection and Technical Regulatory Authority. If the parties do not consent to the decision of the Committee or fail to comply therewith, they may refer the same dispute to the county court for a hearing.

Lease disputes can be settled in a Lease Committee, the procedures of which are governed by the Lease Disputes Resolution Act (*üürivaidluse lahendamise seadus*). A Lease Committee may be formed as an independent body of a local authority which resolves lease disputes. Lease Committees do not resolve disputes involving financial claims exceeding EUR 3 200. Proceedings of the Lease Committee do not constitute a mandatory pre-trial procedure. After entry into force of a decision of the Lease Committee, the parties may not file the same claim on the same basis with a court and a decision of the Lease Committee which has entered into force is binding on the parties.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

In order to know which court is competent to hear a matter, it is important to know the principles of jurisdiction. Jurisdiction is divided into three areas: 1) general jurisdiction, which depends on the place of residence of the person; 2) optional jurisdiction; 3) exclusive jurisdiction (see section 2.2).

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Courts of lower and higher instance are different, as the Estonian court system has three instances.

County courts (*maakohus*) as courts of first instance hear all civil matters. An Act may set out that certain types of matters are to be heard only by particular county courts if this speeds up the hearing of matters or otherwise renders the process more effective.

A district court (*ringkonnakohus*) reviews decisions made in civil matters by the county courts within its territorial jurisdiction, on the basis of appeals against decisions and rulings. A district court also adjudicates other matters placed within its jurisdiction by law.

The Supreme Court (*Riigikohus*) reviews decisions made in civil matters by the district courts, on the basis of appeals in cassation and appeals against rulings. The Supreme Court also adjudicates petitions for the review of court decisions in force, in the cases provided by law, appoints a court with the appropriate competence to adjudicate a matter, and adjudicates other matters placed within its jurisdiction by law. The Supreme Court also serves as Estonia's Constitutional Court.

A matter is first adjudicated and a judgment made by a county court as a court of first instance. If a person finds that the judgment of the court of first instance is based on a breach of a legal provision or that, in view of the circumstances and evidence which must be taken into consideration in the appeal procedure, a judgment different from the judgment made by the court of first instance should be made in the appeal procedure, they have a legal right to file an appeal with a higher court, i.e. the district court. District courts are courts of second instance and they therefore review the decisions made by county and administrative courts on the basis of appeals and appeals against rulings. A district court adjudicates civil matters collegially – an appeal is adjudicated by a panel of three judges, unless otherwise set out in law.

The Supreme Court is the highest instance. The Supreme Court reviews decisions made in civil matters by the district courts, on the basis of appeals in cassation and appeals against rulings. The Supreme Court also adjudicates petitions for the review of court decisions in force; in the cases laid down by law, appoints a court with the appropriate competence to adjudicate a matter, and adjudicates other matters placed within its jurisdiction by law. Cassation refers to the filing of an appeal against a court judgment that has not entered into force on the basis of legal issues and the review of that judgment in a higher court without re-evaluating the facts. Review of court decisions refers to the re-examination of decisions and rulings that have already entered into force, in cases where new circumstances have arisen and on the basis of an application by a participant in the proceedings.

A participant in proceedings on appeal may file an appeal against a judgment of the district court with the Supreme Court if the district court has materially violated a provision of procedural law or incorrectly applied a provision of substantive law. In an action in the Supreme Court, a participant in proceedings may perform procedural acts and file petitions and applications only through a barrister. In proceedings on petition in the Supreme Court, a participant in proceedings may perform procedural acts and file petitions and applications personally or through a lawyer. The Supreme Court accepts an appeal in cassation if the appeal in cassation conforms to the requirements of law, has been submitted in a timely manner and, if:

1) the district court has evidently applied a provision of substantive law incorrectly in its judgment and the incorrect application of such provision could have resulted in an incorrect judgment;

2) the district court has materially violated a provision of procedural law in making the judgment and this could have resulted in an incorrect judgment.

In addition, the Supreme Court accepts the matter if hearing the appeal in cassation would be of fundamental importance in respect of guaranteeing legal certainty and shaping uniform judicial practice, or for further development of the law.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Jurisdiction is the right and obligation of a person to exercise their procedural rights before a specific court. Jurisdiction is general, optional or exclusive.

General jurisdiction establishes the court with which an action can be filed against a person and other procedural acts can be performed with respect to a person unless it is provided by law that the action must be filed or the act be performed by another court.

Optional jurisdiction establishes the court with which actions can be filed against a person and other procedural acts can be performed with respect to a person in addition to general jurisdiction. This means that, for example, an action involving a proprietary claim against a natural person can equally be filed with the court whose jurisdiction covers their longer-term place of stay. If a person resides in a foreign state, an action involving a proprietary claim can also be filed against them with the court that covers the location of the property with respect to which the claim is filed, or with the court whose jurisdiction covers the location of other property of the person.

Exclusive jurisdiction establishes the sole court which can be addressed for adjudication of a civil matter. Jurisdiction of matters on petition is exclusive unless otherwise provided by law. Exclusive jurisdiction may be determined, for example, by the location of immovable property, the place of business of a legal person, etc.

2.2.1 The basic rule of territorial jurisdiction

An action against a natural person may be filed with the court whose jurisdiction covers their place of residence, and an action against a legal person may be filed with the court whose jurisdiction covers its registered office. If the residence of a natural person is not known, an action against the person can be filed with the court whose jurisdiction covers their last known residence.

2.2.2 Exceptions to the basic rule

An action against a citizen of the Republic of Estonia living in a foreign state in respect of whom extraterritoriality applies or against a citizen of the Republic of Estonia working in a foreign state who is a civil servant can be filed with the court whose jurisdiction covers the person's last residence in Estonia. If the person has not had a residence in Estonia, an action can be filed against them with Harju County Court (*Harju Maakohus*). An action can be filed against the Republic of Estonia or a local authority with the court that covers the registered office of the state or local authority in question. If the state authority cannot be determined, the action is filed with Harju County Court. If the local authority cannot be determined, the action is filed with the court whose jurisdiction covers the seat of the rural municipality or city government.

A plaintiff can also file an action against the Republic of Estonia and a local authority with the court whose jurisdiction covers their own residence or seat.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

In the cases set out in law, a court may be chosen with which an action can be filed against a person and where other procedural acts can be performed with respect to a person in addition to general jurisdiction.

Jurisdiction based on the place of stay – an action involving a proprietary claim can be filed against a natural person also with the court whose jurisdiction covers their place of stay if the person has stayed there for a longer period of time due to an employment or service relationship, studies or for other such reason.

Jurisdiction based on the place of business – an action related to the economic or professional activities of the defendant can also be filed with the court whose jurisdiction covers its place of business.

Jurisdiction based on the registered office of a legal person – a legal person based on membership, including a company, or a member, partner or shareholder thereof can file an action arising from their membership or holding against a member, partner or shareholder of the legal person also with the court whose jurisdiction covers the registered office of the legal person.

Jurisdiction based on the location of property – if a person has a residence or registered office in a foreign state, an action involving a proprietary claim can be filed against that person with the court whose jurisdiction covers the location of the property with respect to which the claim is filed, or with the court whose jurisdiction covers the location of other property belonging to the person. If property has been entered in a public register, the action can be filed with the court whose jurisdiction covers the location of the register in which the property is registered. If the property is a claim under the law of obligations, the action can be filed with the court whose jurisdiction covers the residence or registered office of the debtor. If the claim is secured by an asset, the action can be filed with the court whose jurisdiction covers the location of the asset.

An action for the collection of a claim secured by a mortgage or encumbered with a real encumbrance or another action involving a similar claim can also be filed with the court of the location of the immovable provided that the debtor is the owner of the registered immovable which is secured by the mortgage or encumbered with the real encumbrance.

Jurisdiction of an action arising from apartment ownership – an action against an apartment owner arising from a legal relationship relating to ownership of an apartment may also be filed with the court with jurisdiction in the location of the immovable property that is the object of the apartment ownership.

Jurisdiction based on the place of performance of a contract – an action arising from a contract or an action for ascertaining the invalidity of a contract can also be filed with the court whose jurisdiction covers the place where the contested contractual obligation is to be performed. In the case of a contract for the sale of movable property, the place where the movable property was delivered or had to be delivered to the buyer and, in the case of a contract for provision of a service, the place where the service was provided or had to be provided is deemed to be the place of performance of the obligation. In other cases, the place of business or, in the absence thereof, the residence or registered office of the debtor is deemed to be the place of performance of the obligation. These provisions apply unless the parties have agreed otherwise.
Jurisdiction based on the residence of a consumer – an action arising from a contract or relationship specified in Sections 35, 46, 52, 208(4), 379, 402, 635 (4), 709, 734 and 866 of the Law of Obligations Act (*võlaõigusseadus*) or an action arising from another contract concluded with an undertaking that has a registered office or a place of business in Estonia can also be filed by a consumer with the court whose jurisdiction covers the residence of the consumer. The above does not apply to actions arising from contracts of carriage.
Jurisdiction of an action arising from an insurance contract – a policyholder, beneficiary or other person entitled to demand performance from the insurer on the basis of an insurance contract can also file an action arising from the insurance contract against the insurer with the court whose jurisdiction covers the residence or registered office of the person. In the case of liability insurance or insurance of a construction, immovable property, or movable property together with a construction or immovable property, an action can also be filed against the insurer with the court whose jurisdiction covers the place of the act or event that caused the damage, or the place where the damage was caused.
Jurisdiction of an action arising from an agreement on intellectual property rights – an action arising from an agreement on transfer of an object of copyright, related rights or industrial property rights or a licence agreement or an action for ascertainment of the invalidity of such agreement may also be filed with Harju County Court.
Jurisdiction based on the residence or place of work of an employee – an employee can also file an action arising from their employment contract with the court whose jurisdiction covers their residence or place of work.
Jurisdiction of an action arising from a bill of exchange or cheque – an action arising from a bill of exchange or cheque can also be filed with the court whose jurisdiction covers the place of payment for the bill of exchange or cheque.
Jurisdiction of an action arising from criminal damage – an action for compensation for criminal damage can also be filed with the court whose jurisdiction covers the place of the act or event that caused the damage, or the place where the damage was caused.
Jurisdiction of an action arising from a maritime claim, rescue work or a rescue contract – an action arising from one or several maritime claims specified in the Law of Maritime Property Act (*laeva asjaõigusseadus*) can also be filed with the court whose jurisdiction covers the location of the ship of the defendant or the home port of the ship. An action arising from rescue works or a rescue contract can also be filed with the court whose jurisdiction covers the place where rescue works took place.
Jurisdiction over an action for the division of an estate – an action that aims to establish the right of succession, a successor's claim against the possessor of the estate, a claim arising from a legacy or succession contract, or a claim for a compulsory portion or for division of an estate can also be filed with the court whose jurisdiction covers the bequeather's residence at the time of their death. If the bequeather was a citizen of the Republic of Estonia but at the time of death had no residence in Estonia, the action can also be filed with the court whose jurisdiction covers the bequeather's last residence in Estonia. If the bequeather had no residence in Estonia, the action can be filed with Harju County Court (*Harju Maakohus*).
Action against co-defendants and several actions against a single defendant – an action against several defendants can be filed with the court whose jurisdiction covers the residence or registered office of one co-defendant of the plaintiff's choice. If several actions are to be filed against one defendant on the basis of the same fact, all actions can be filed with the court with which an action relating to one claim or some of the claims arising from the same fact could be filed.
Jurisdiction of a counterclaim and an action by a third person with an independent claim – a counterclaim can be filed with the court with which the original action was filed provided that the conditions for filing a counterclaim are complied with and the counterclaim does not fall under exclusive jurisdiction and it is not established that matters of this type are reviewed by a certain county court only. This also applies in cases where, pursuant to general provisions, the counterclaim should be filed with a foreign court.
An action by a third party with an independent claim may be filed with the court hearing the main action.
Jurisdiction in bankruptcy proceedings – The bankruptcy petition of a debtor who is a natural person is filed with a court in accordance with the general jurisdiction applicable to the debtor. If the registered office of a debtor who is a legal person is in Harju County, the bankruptcy petition is filed with Harju County Court. In other cases, the bankruptcy petition of a debtor who is a legal person is filed with Tartu County Court (*Tartu Maakohus*). It is presumed that the registered office indicated in the register one year before the filing of a bankruptcy petition is the registered office of the debtor, unless it is proved that the registered office of the debtor is elsewhere. If several different bankruptcy petitions are filed with regard to one debtor, the petitions are joined into one procedure and heard by the court with which the first bankruptcy petition was filed. If, in connection with bankruptcy proceedings concerning a debtor who is a legal person, a declaration of bankruptcy is also requested with regard to a partner or member who is liable for the obligations of the legal person with his or her assets, the bankruptcy petition may be filed also with the court hearing the bankruptcy petition filed against the legal person. Disputes relating to the acceptance of claims, including claims governed by public law, in bankruptcy proceedings are within the competence of the county court hearing the bankruptcy matter. If a debtor dies after the filing of a bankruptcy petition, the estate bankruptcy proceedings conducted in respect of the debtor's estate will continue at the court with which the bankruptcy petition was filed in accordance with Section 4(2) of the Bankruptcy Act (*pankrotiseadus*). Upon death of a debtor, the estate bankruptcy petition in respect of the estate of the debtor is filed with the court of the debtor's place of residence at the time he or she died. An action concerning bankruptcy proceedings or bankruptcy estate is filed with the court that declared the bankruptcy.
If a matter falls under the jurisdiction of several Estonian courts simultaneously, the petitioner has the right to choose the court with which to file the petition. In such cases, the matter is adjudicated by the court that was first to receive the petition.
If an action is filed with the court whose jurisdiction covers the residence or registered office of the defendant or with the court of exclusive jurisdiction, the matter is heard in the courthouse whose territorial jurisdiction includes the defendant's residence or registered office, or the place according to which the exclusive jurisdiction is determined. If multiple places used to determine the jurisdiction remain within the territorial jurisdiction of a single county court, but within the service areas of different courthouses, the plaintiff selects the courthouse in which the matter is to be heard. If the plaintiff fails to select it, the court determines where the matter should be heard.
More precise geographical areas and service areas of the courts are laid down in the Courts Act (*kohtute seadus*).

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In the cases set out in law, jurisdiction is exclusive. Exclusive jurisdiction establishes the sole court which can be addressed for adjudication of a civil matter.
1) *Jurisdiction by the location of immovable property* – an action with the following objects is filed with the court whose jurisdiction covers the location of the immovable property:

claims related to recognising the existence of the right of ownership, limited real right or other real right encumbrance concerning immovable property, or recognition of the absence of such rights or encumbrances, or claims related to other rights over immovable property;
determination of the boundaries or division of immovable property;
protection of the possession of immovable property;
claims with respect to a real right arising from apartment ownership;
claims related to compulsory enforcement of immovable property;
claims arising from a lease contract or commercial lease contract concerning immovable property or other contract for the use of immovable property under the law of obligations, or from the validity of such contracts.
An action related to real servitude, real encumbrance or right of pre-emption is filed with the court whose jurisdiction covers the location of the servient or encumbered immovable property.
2) *Claim for termination of the application of standard terms* – an action for termination of the application of an unfair standard term, or for termination and withdrawal of the recommendation of the term by the person recommending application of the term (Section 45 of the Law of Obligations Act) is filed with the court whose jurisdiction covers the place of business of the defendant or, if there is none, with the court whose jurisdiction covers the residence or registered office of the defendant. If the defendant has no place of business, residence or registered office in Estonia, the action is filed with the court under whose territorial jurisdiction the standard term was applied.
3) *Jurisdiction of a matter revoking a decision of a body of a legal person, or establishing its invalidity* – an action for revoking a decision of a body of a legal person, or for establishing its invalidity is filed with the court covering the registered office of the legal person.
4) *Jurisdiction of matrimonial matters*
Matrimonial matters are considered civil matters in which actions are adjudicated where the subject is:
divorce;
annulment of marriage;
establishing the existence or absence of marriage;
division of joint property or other claims arising from the proprietary relationship between the spouses;
other claims arising from the marital relationship filed by one spouse against the other.
An Estonian court is competent to adjudicate a matrimonial matter if:
at least one of the spouses is a citizen of the Republic of Estonia or was a citizen at the time of contracting the marriage;
the residences of both spouses are in Estonia;
the residence of one spouse is in Estonia, except where the judgment to be made would clearly not be recognised in the countries of nationality of either spouse.
In a matrimonial matter to be adjudicated by an Estonian court, an action is filed with the court whose jurisdiction covers the joint residence of the spouses or, if there is none, with the court whose jurisdiction covers the residence of the defendant. If the residence of the defendant is not in Estonia, the action is filed with the court whose jurisdiction covers the residence of a common child of the parties who is a minor and, in the absence of a common child who is a minor, with the court whose jurisdiction covers the residence of the plaintiff.
If custody has been established over the property of an absent person due to the person going missing or if a guardian has been appointed to a person due to their restricted active legal capacity, or if imprisonment has been imposed on a person as punishment, a divorce action against such a person can also be filed with the court whose jurisdiction covers the residence of the plaintiff.
5) *Jurisdiction of filiation and maintenance* – a filiation matter is a civil matter where an action aiming to establish filiation or contesting an entry concerning a parent in the birth certificate of a child or in the population register is adjudicated. An Estonian court can adjudicate a filiation matter if at least one of the parties is a citizen of the Republic of Estonia or at least one of the parties has a residence in Estonia. In a filiation matter to be adjudicated by an Estonian court, the action is filed with the court whose jurisdiction covers the residence of the child. If the residence of the child is not in Estonia, the action is filed with the court whose jurisdiction covers the residence of the defendant. If the residence of the defendant is not in Estonia, the action is filed with the court whose jurisdiction covers the residence of the plaintiff.
These provisions also apply to maintenance matters. A maintenance matter is a civil matter for the adjudication of an action claiming:
performance of a maintenance obligation of a parent arising from law with respect to a minor child;
performance of a maintenance obligation between parents;
performance of a maintenance obligation between spouses;
performance of another maintenance obligation arising from law.
6. Jurisdiction of matters on petition
Jurisdiction of matters on petition is exclusive unless otherwise provided by law.
Expedited procedure for payment orders – Matters dealt with under the expedited procedure for payment orders, except for matters of European orders for payment filed on the basis of Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure (OJ L 399, 30.12.2006, p. 1–32), are adjudicated by the payment order department of Haapsalu courthouse of Pärnu County Court (*Pärnu Maakohtu Haapsalu kohtumaja*). In order to initiate the expedited procedure for payment orders with regard to a claim for support or claim for debt, the website https://www.e-toimik.ee/ may be used to contact the county court's payment order department. The expedited procedure for payment orders is not applied to claims exceeding EUR 8 000 (debt claims). This amount covers both principal and collateral claims. Similarly, the expedited procedure is not applied if the support claimed exceeds 1.5-fold the minimum rate of support provided for in Section 101(3) of the Family Act (*perekonnaseadus*). The expedited procedure for payment orders is not applied if the debtor is not indicated in the birth certificate of a child as a parent of that child.
Declaration of a person as dead and establishment of the time of death – an Estonian court may declare a person as dead and establish the time of his or her death if: 1) at the time the missing person was last heard of, he or she was a citizen of the Republic of Estonia or had residence in Estonia at such time; 2) another legal interest exists for an Estonian court to declare the person dead or establish the time of his or her death.
A petition for declaring a person dead and establishing the time of his or her death is filed with the court of the last residence of the missing person. If a person has gone missing in connection with a shipwreck registered in Estonia, the petition is filed with the court of the home port of the ship. In other cases, a petition for declaring a person dead or establishing the time of his or her death is filed with the court of the residence or registered office of the petitioner. If the residence or registered office of the petitioner is not in Estonia, the petition is filed with Harju County Court. A petition for amendment of the time of death or annulment of a declaration of death is filed with the court which established the time of death or declared the person dead.

Guardianship matters – a guardianship matter is a matter related to the appointment of a guardian for a person or another matter related to guardianship. An Estonian court may adjudicate a guardianship matter if: 1) the person in need of guardianship or the person under guardianship is a citizen of the Republic of Estonia, or his or her residence is in Estonia; 2) the person in need of guardianship or the person under guardianship needs the protection of an Estonian court for another reason, including cases where the property of the person is located in Estonia.
A guardian need not be appointed in Estonia if an Estonian court and a court of a foreign state are equally competent to establish guardianship and a guardian has already been appointed in a foreign state or a foreign court is conducting proceedings for appointment of guardianship, provided that the decision of the foreign court can be presumed to be recognised in Estonia and not appointing a guardian in Estonia is in the interests of the person in need of guardianship.
A guardianship matter is adjudicated by the court of the residence of the person in need of guardianship. Appointment of a guardian for a child before the birth of the child is adjudicated by the court of the residence of the mother. If establishment of guardianship is sought for brothers or sisters who are residing or staying within the territorial jurisdiction of several courts, the guardian is appointed by the court of the residence of the youngest child. If, in such a case, guardianship proceedings are already pending before a court, the guardianship matter is adjudicated by that court. If a person in need of guardianship has no residence in Estonia or if the residence cannot be established, the matter can be adjudicated by the court in whose territorial jurisdiction the person or his or her property is in need of protection, or by Harju County Court. A matter relating to a person under guardianship or his or her property is adjudicated by the court that appointed the guardian. Such matter can also be adjudicated, with good reason, by the court of the residence of the person under guardianship or the court of the location of the property of such person.
Placing of a person in a closed institution – the matter of placing a person in a closed institution is adjudicated by the court that appointed the guardian for the person or the court conducting proceedings in the matter of guardianship. In other cases, such matters are adjudicated by the court within whose territorial jurisdiction the closed institution is located. The matter can also be adjudicated by the court that applied provisional legal protection.
Provisional legal protection in the case may be applied by any court within whose territorial jurisdiction the relevant measure must be applied. Other matters related to placement of a person in a closed institution, including matters of suspension or termination of placement of a person in a closed institution and matters of changes to the term of placement, are adjudicated by the court that decided the placement of the person in a closed institution.
Establishment of custody over the property of an absent person – the matter of establishment of custody over the property of an absent person is adjudicated by the court of the residence of the absent person. If an absent person has no residence in Estonia, the matter of establishment of custody over the property of the absent person is adjudicated by the court of the location of the property for which custody is sought. Other matters related to establishment of custody over the property of an absent person, including matters of termination of custody and change of the administrator and duties thereof, are adjudicated by the court that appointed the administrator.
Adoption – a matter of adoption can be adjudicated by an Estonian court if the adoptive parent, one of the spouses wishing to adopt, or the child, is a citizen of the Republic of Estonia or the residence of the adoptive parent, one of the spouses wishing to adopt or the child is in Estonia. A petition for adoption is filed with the court of the residence of the adoptive child. If the adoptive child has no residence in the Republic of Estonia, the petition is filed with Harju County Court. A matter of declaring an adoption invalid is adjudicated by the court which decided on the adoption.
Extension of the active legal capacity of a minor – the matter of extension of the active legal capacity of a minor can be adjudicated by an Estonian court if the minor is a citizen of the Republic of Estonia or his or her residence is in Estonia. A petition for extension of the active legal capacity of a minor or a petition for annulment of a decision to extend the active legal capacity of a minor is filed with the court of the residence of the minor. If the minor has no residence in the Republic of Estonia, the petition is filed with Harju County Court.
Establishment of filiation and contestation of an entry concerning a parent after the death of a person – if a person seeks establishment of his or her filiation to a person who is dead or a person contests an entry concerning a parent in the birth registration of a child or in the population register after the death of the person entered in the birth registration or in the population register as a parent, a petition to such effect is filed with the court of the last residence of the person the establishment of filiation to whom is sought or concerning whom the entry in the birth registration or in the population register is contested. If the last known residence of the person was not in Estonia or if the residence is unknown, the petition is filed with Harju County Court.
Other family matters on petition – the provisions concerning guardianship matters apply to other family matters on petition, unless otherwise provided by law or dictated by the nature of the matter. A matter on petition relating to the legal relationship between spouses or divorced spouses is adjudicated by the court of the territorial jurisdiction of the common residence of the spouses or of the last common residence of the spouses. If the spouses have had no common residence in Estonia or if neither of the spouses currently has a residence within the jurisdiction of the court of their last common residence, the matter is adjudicated by the court of the residence of the spouse whose rights would be restricted by the requested ruling. If the residence of that spouse is not in Estonia or the residence cannot be established, the matter is adjudicated by the court of the residence of the petitioner. If jurisdiction cannot be determined, the matter is adjudicated by Harju County Court. Provisional legal protection in a family matter on petition may be applied by any court within whose territorial jurisdiction the relevant measure must be applied.
Application of estate management measures – an Estonian court may apply management measures to an estate located in Estonia regardless of the state whose law is applicable to succession and the state whose authority or official is competent by general jurisdiction to conduct proceedings concerning the estate. Estate management measures are applied by the court of the location of the opening of the succession. If a succession procedure opens in a foreign state and the estate is located in Estonia, estate management measures can be applied by the court of the location of the estate.
Jurisdiction of calling matters – a petition for declaration of a security invalid is filed with the court of the place of redemption of the security and, in the absence of the place of redemption, in accordance with general jurisdiction as applicable to the issuer of the security. A petition for initiation of calling proceedings for preclusion of the rights of the owner of an immovable is filed by the possessor of the immovable pursuant to the provisions of Section 124 of the Law of Property Act (*asjaõigusseadus*) with the court within the territorial jurisdiction of which the immovable is located. In the case provided by Section 13 of the Law of Maritime Property Act, the entitled person files a petition for initiation of calling proceedings for the preclusion of the rights of the owner of a ship with Harju County Court. A petition for initiation of calling proceedings for preclusion of the rights of an unknown mortgagee (Section 331 of the Law of Property Act) is filed by the owner of the encumbered immovable with the court within the territorial jurisdiction of which the encumbered immovable is located. A petition for preclusion of the rights of an unknown maritime mortgagee or pledgee is filed by the owner of the encumbered ship or the owner of the pledged object encumbered with a registered security over movables pursuant to Section 59 of the Law of Maritime Property Act with Harju County Court.
Jurisdiction in matters on petition relating to legal persons in private law – matters, other than registry matters, on petition, which are related to the activities of a company, non-profit association and foundation, including matters related to the appointment of a substitute member of the management board or supervisory board, auditor, auditor for a special audit, and liquidator, as well as matters related to the determination of the amount of compensation to the partners or shareholders of a company are adjudicated by the court of the registered office of the legal person or the branch of a foreign company.
Apartment ownership and common ownership matters – a matter on petition related to apartment ownership or common ownership is adjudicated by the court of the location of the immovable.

Matters of access to a public road and of tolerating artificial recipients of land improvement systems, and of utility works – matters of access to a public road and of tolerating artificial recipients of land improvement systems, and of utility works, are adjudicated by the court of the location of the immovable from which access to a public road is sought or for which the building of an artificial recipient of a land improvement system is sought or on which the utility works is located.
Matters of recognition, declaration of enforceability and enforcement of decisions of courts of foreign states – a petition for recognition and declaration of enforceability of a decision of a court of a foreign state, a petition for refusal to recognise or enforce or for suspension of enforcement or another petition in enforcement proceedings is filed according to the residence or registered office of the debtor, or with the court within whose territorial jurisdiction the conduct of enforcement proceedings is sought, unless otherwise provided by law or an international agreement.
Matters of declaring a settlement agreement reached as a result of conciliation proceedings enforceable – a settlement agreement reached as a result of the conciliation proceedings specified in Section 14 (1) of the Conciliation Act (*lepitusseadus*) is declared enforceable by the court within the territorial jurisdiction of which the conciliation proceedings were conducted.
Matters of recognition and declaration of enforceability of decisions of arbitration tribunals – petitions for recognition and declaration of enforceability of decisions of arbitration tribunals made in Estonia or decisions of arbitration tribunals of foreign states and petitions for refusal to recognise or enforce these are filed with Pärnu County Court (*Pärnu Maakohus*). A petition for suspension of enforcement of a decision of an arbitral tribunal of a foreign state or another petition in enforcement proceedings is filed according to the residence or registered office of the debtor, or with the court within whose territorial jurisdiction the conduct of enforcement proceedings is sought, unless otherwise provided by law or an international agreement. If one of the parties to an agreement in an arbitration proceeding is a consumer, a petition for recognition and declaration of enforceability of the arbitration decision or a petition for refusal to recognise or enforce the arbitration decision is filed with the court of the territorial jurisdiction of the place of the arbitration proceeding.
Matters on petition are heard in the courthouse whose territorial jurisdiction includes the place used to determine jurisdiction. If different places determining jurisdiction remain within the territorial jurisdiction of a single county court, but within the service areas of different courthouses, the court determines where the matter should be heard.
More precise geographical areas and service areas of the courts are laid down in the Courts Act.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

A court may also consider a matter according to jurisdiction in cases where the jurisdiction of this court is prescribed by an agreement between the parties and the dispute relates to the economic or professional activities of both parties, or the dispute relates to the economic or professional activities of one party and the other party is the state, a local authority or another legal person in public law, or if both of the parties are legal persons in public law.
An agreement on jurisdiction may also be entered into if the residence or registered office of one or both of the parties is not in Estonia.
Notwithstanding the foregoing, an agreement on jurisdiction also applies if:
1) such an agreement was reached after the dispute arose;
2) jurisdiction was agreed upon in a case in which the defendant settles in, or transfers the place of business or registered office thereof to a foreign state after entry into the agreement, or if the residence, place of business or registered office of the defendant is not known at the time when the action is filed.
Jurisdiction determined by agreement is exclusive jurisdiction, unless the parties have agreed otherwise.
The court of first instance may, by a ruling, refer the matter to another court of first instance if the parties submit a joint petition to such effect before the first court session or, in written procedure, before the expiry of the period for submission of positions.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

No specialised courts exist in Estonia.

Related links

Court system

Last update: 02/01/2024

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Ireland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The civil courts in Ireland have jurisdiction to try cases involving disputes between individuals, organisations or the State. These disputes may concern anything from an injury caused in a car accident to a contested corporate take-over. In civil cases the plaintiff sues the defendant for compensation for the wrong caused. The compensation is usually in the form of a monetary award of damages.
The District, Circuit and High Court are all courts of first instance. The Supreme Court has appellate jurisdiction only, except in certain matters relating to the Constitution. The Court of Appeal has appellate jurisdiction only.
The District and Circuit courts are courts of local and limited jurisdiction i.e. they can only deal with cases whose value does not exceed a certain threshold and where the parties reside or have their registered place of business in a certain geographical location, or where the contract was made within a certain geographical location. Appeals from the District Court are heard in the Circuit Court, and appeals from the Circuit Court are heard in the High Court.
The Small Claims Court is a part of the District Court that deals with consumer related cases where the amount claimed does not exceed €2,000. This procedure may also be used by one business against another.
The District Court hears cases involving claims which do not exceed €15,000 in value. The Circuit Court deals with claims which do not exceed €75,000 (€60,000 in personal injuries actions). It also has jurisdiction in family law proceedings, including divorce, judicial separation, and nullity. The High Court deals with claims above €75,000 (€60,000 in personal injuries actions).
Claims with regard to labour law are dealt with by the Employment Appeals Tribunal which is an independent body. It hears a wide range of disputes concerning employment rights. In certain cases either party may appeal to the Circuit Court within six weeks of the determination of the Tribunal. If no appeal is brought to the Circuit Court and the employer does not implement the determination, the Minister for Jobs, Enterprise and Innovation may bring proceedings in the Circuit Court on behalf of the employee. A determination made by the Tribunal may be appealed to the High Court by either party but only on a point of law.
The Commercial Court, established in 2004, is a specialised division of the High Court and is governed by Order 63A of the Rules of the Superior Courts in particular. It deals with commercial disputes where the value of the claim is at least €1 million, disputes concerning intellectual property and appeals from or applications for judicial review of regulatory decisions. It will also deal with other cases that the Judge considers appropriate. There is no automatic right of entry to the Commercial List of the High Court. It is at the discretion of a judge of the Commercial Court. The Court uses a detailed case management system that is designed to streamline the preparation for trial, remove unnecessary costs and stalling tactics, and ensure full pre-trial disclosure.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The appropriate court in which to bring a claim at first instance is determined by its nature (contract, tort etc.) and value (see above).

For the purpose of the District Court, the country is divided into 24 districts to each of which one or more judges is permanently assigned. In the case of the two largest cities, Dublin and Cork, the volume of business requires the permanent assignment of a number of judges. The country is divided into eight circuits for the purposes of the Circuit Court. One Circuit Court Judge is assigned to each circuit except in the case of the Dublin and Cork Circuits, where there are a greater number of judges due to the volume of business. The High Court sits in Dublin to hear original actions. It also hears personal injury and fatal injury actions in several provincial locations at specified times during the year. In addition, the High Court sits in provincial venues to hear appeals from the Circuit Court in civil and family law matters.

The District Court has jurisdiction to try cases concerning contracts, certain torts, hire-purchase and credit-sale agreements cases, tenancy cases such as ejectment for non-payment of rent, and actions for wrongful detention of goods where the value of the claim is within its limit of €15,000. The District Court also has a range of powers in relation to the enforcement of judgments of any court for debt, the granting of licences such as licences to sell intoxicating liquor, and the custody and maintenance of children.

The Circuit Court has jurisdiction in contract and tort, in probate matters and suits for the administration of estates, in equity suits, in ejectment actions or applications for new tenancies in actions founded on hire-purchase and credit-sale agreements, where the value of the claim is within its limit of €75,000 (€60,000 in personal injuries actions). The Circuit Court has jurisdiction in family law proceedings, (including judicial separation, divorce nullity and appeals from the District Court) and has appellate jurisdiction from decisions of arbitrators in disputes in relation to ground rents under the landlord and tenant legislation.

Civil cases in the Circuit Court are tried by a judge sitting without a jury. Appeals from the District Court take the form of a re-hearing and the decision of the Circuit Court is final and cannot be appealed any further.

Under the Constitution, the High Court has full original jurisdiction in all matters of fact or law. This means that it has jurisdiction to deal with all civil cases where the defendant is resident within the country, where the alleged contract was made in the country, where the alleged tort was committed within the country or where real property which is the subject of the proceedings is situated within the country. The High Court hears appeals from the Circuit Court and exercises supervisory jurisdiction over the District Court and other lower tribunals. Appeals from the High Court are heard by the Court of Appeal and by the Supreme Court where it is certified by the Supreme Court to be a matter of general public importance or in the interests of justice. An appeal may lie from the Court of Appeal to the Supreme Court where it is certified by the Supreme Court to be a matter of general public importance or in the interests of justice. The appeal is not by way of re-hearing but is based on a transcript of the evidence at first instance and legal argument.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The appropriate District or Circuit in which to bring a civil claim is determined by the location where the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation. In most contract cases the appropriate District or Circuit is the one where the contract is alleged to have been made, in tort cases, where the tort is alleged to have been committed, in family proceedings, where the applicant resides and, in cases relating to tenancy or title to real property, where the premises or lands the subject of such proceedings are situated.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

N/a

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

N/a

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

N/a

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The website of the Courts Service of Ireland provides a comprehensive explanation of the structure of the courts in this country. It also publishes a booklet entitled *Explaining the Court*s for public information. More details on the courts system are also available from the Citizens Information Board, a statutory body which supports the provision of information, advice and advocacy on a broad range of public and social services. Citizens Information provides a website, phone line and numerous drop in centres around the country.

Related links

Courts Service - Ireland

http://www.citizensinformation.ie/

Last update: 12/04/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Greece

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Ordinary civil courts have jurisdiction to hear the majority of civil and commercial cases in Greece. By way of exception, specialised chambers have been established by special law within the framework of civil courts in the large cities, which have exclusive jurisdiction to hear specific cases, according to the legal domain. These chambers are: the chambers competent to hear Community trade mark cases in Athens and Thessaloniki, and the chamber competent to hear maritime law cases in Piraeus.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

In the majority of cases, the jurisdiction of the courts is determined by the value of the subject at dispute. To estimate the value of the subject at dispute, account is taken of the claim filed in the action, without taking account of any ancillary claims. Where several claims are covered by the same action, they are aggregated.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Cases falling under the jurisdiction of civil courts are heard at first instance by district civil courts otherwise known as small claims courts *(Irinodikia)*, single-bench courts of first instance *(Monomeli Protodikia)* and multi-bench courts of first instance *(Polymeli Protodikia)*.
The jurisdiction of the small claims courts primarily covers (a) all disputes which can be assessed in monetary terms where the value at dispute does not exceed twenty thousand euros (EUR 20 000), (b) all disputes, whether main or consequential, under a lease contract, provided in all cases that the agreed monthly rent does not exceed six hundred euros (EUR 600).
The jurisdiction of the small claims courts also covers, regardless of the value at dispute, most disputes relating to farming, the sale of animals, property disputes with neighbours, disputes arising from contracts with hotel and transport operators, claims made by associations and cooperatives against their members and, vice versa, claims made by lawyers for their services at courts of first instance and police courts *(Ptaismatodikia)*, as well as the rights, compensation or costs of witnesses, interpreters, sequestrators or guards who have testified before or been appointed by any court.
The jurisdiction of single-bench courts of first instance covers all disputes that can be assessed in monetary terms where the value of the case exceeds twenty thousand euros (EUR 20 000) but does not exceed two hundred and fifty thousand euros (EUR 250 000).
The jurisdiction of single-bench courts of first instance also covers the following disputes, even if their value exceeds two hundred and fifty thousand euros (EUR 250 000): disputes arising from lease or rental agreements; employment disputes concerning employees, or concerning the work or objects manufactured by professionals or craftsmen; disputes under collective labour agreements between social security organisations and insured persons; disputes regarding lawyers' fees, compensation and costs, other than those referred to above that are heard in the small claims courts; disputes regarding those employed in a legal, medical or paramedical capacity, or as engineers, chemists or brokers/agents, and of those appointed by a judicial authority, such as experts, expert arbitrators, assessors, arbitrators, executors of wills, administrators, liquidators; disputes relating to all types of compensation claims arising from damage caused by a vehicle, including claims under vehicle insurance contracts, and disputes regarding challenges to the possession or occupation of movable or immovable property.
The jurisdiction of single-bench courts of first instance always covers, irrespective of value: disputes relating to divorce; annulment of marriage; recognition of the existence or nonexistence of marriage; matrimonial relations during the marriage and arising from it, including challenges to paternity, recognition of whether or not there is a parent-child relationship or parental responsibility; recognition of the paternity of a child born out of wedlock; recognition of whether or not there is voluntary recognition of a child born out of wedlock, of whether such recognition is invalid, or whether such a child enjoys the same status as one born within wedlock on account of the imminent marriage of its parents, and also including challenges to the voluntary recognition; recognition of whether or not there is adoption or its dissolution, or whether or not there is guardianship. Also, disputes regarding maintenance on grounds of marriage, divorce or kinship; the exercise of parental responsibility; the disagreement between parents in their joint exercise of parental authority, as well as the communication of parents and other relatives in ascending line with the child; regulation of the use of the family home and of the distribution of movable assets between the spouses, as well as those relating to the family home and the distribution of movable assets between the spouses in the event of cessation of cohabitation; disputes relating to the ownership of floors in a building and disputes relating to the annulment of decisions passed by the general assemblies of associations or cooperatives.
The jurisdiction of multi-bench courts of first instance covers all disputes for which the small claims courts and single-bench courts of first instance have no jurisdiction.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The court in the region of which the defendant has their domicile has territorial jurisdiction.
If the defendant does not have their domicile either in Greece or abroad, the court in the region of which they have their residence has jurisdiction. If the defendant’s place of residence is unknown, the court in the region of which they had their last domicile in Greece, or their last residence in the absence of a domicile, has jurisdiction.
The State falls under the jurisdiction of the court in the region where the particular authority is seated that is called upon by law to represent the State in court.
Legal persons with the capacity to be parties to a legal case fall under the jurisdiction of the court in the region of which their registered office or branch is situated, where the dispute relates to its operation.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Where more than one court has jurisdiction, the claimant has the right to choose. Priority between them is determined on the basis of the date on which the action was filed.
If the court does not have jurisdiction *ratione materia*e or *ratione loci*, the court itself decides on this ex officio and specifies which court has jurisdiction, and also refers the case to that court. The legal consequences of the action filed shall be maintained.
Contractual disputes
Disputes relating to the existence or validity of a legal act carried out during the person's lifetime and all the rights arising therefrom may be also be brought before the court in either the region where the legal act was drawn up or the region where performance is to take place. Disputes relating to reliance damages (negative interest) and to compensation due to fault during negotiations may also be brought before the same court.
Tort
Disputes arising from a tortuous act may also be brought before the court of the place where the event giving rise to damage took place, or is about to take place.
Civil action
Civil action for damages and restitution for a crime as well as for compensation for non-material damage or mental suffering may be filed with the criminal court handling the case.
Matters relating to maintenance, divorce and parental responsibility
Marital disputes (disputes relating to maintenance by reason of marriage, divorce or kinship, the exercise of parental responsibility, the disagreement between parents in their joint exercise of parental responsibility, as well as the communication of parents and other relatives in ascending line with the child and regulation of the use of the family home and of the distribution of movable assets between the spouses, as well as those relating to the family home and the distribution of movable assets between the spouses in the event of cessation of cohabitation) may also be brought before the court in the region of which the spouses’ latest common residence is situated.
Disputes relating to claims for maintenance may also be brought before the court of the place where the beneficiary of the maintenance allowance has their domicile or residence.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Disputes relating to rights *in rem* over immovable property and disputes arising from the lease of immovable property fall under the exclusive jurisdiction of the court in the region of which the immovable property is situated.

(If the immovable property is situated in a region with more than one court, the claimant has the right to choose.)
Disputes relating to administration carried out upon court order fall under the exclusive jurisdiction of the court that issued the order.
Disputes relating to succession fall under the exclusive jurisdiction of the court in the region of which the deceased had their domicile or, in the absence of a domicile, their residence at the time of death.
Where a consequential case is linked to a main case, including, in particular, incidental claims or claims for a guarantee, such interventions and other similar claims fall under the exclusive jurisdiction of the court hearing the main case.
Main cases that are related fall under the exclusive jurisdiction of the court that was involved first.
The jurisdiction of the multi-bench court of first instance hearing the main case covers any consequential cases falling under the jurisdiction of the single-bench court of first instance and of the district civil court, and the jurisdiction of the single-bench court of first instance hearing the main case covers any consequential cases falling under the jurisdiction of the district civil court.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

A first-instance ordinary court which does not have territorial jurisdiction may, by explicit or tacit agreement of the parties to the case, become competent unless the disputes concerned do not relate to property. Explicit agreement must be reached in the case of disputes for which there is exclusive jurisdiction. Tacit agreement is deduced if the defendant attends the public hearing and does not object on grounds of lack of jurisdiction in a timely manner.
The agreement between the parties, by which an ordinary court becomes competent for future disputes, is valid only if it is written and refers to a specific legal relationship from which the disputes are to arise.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Concerning the special chambers competent for Community trade mark and maritime law: The *ratione marteriae* jurisdiction is determined in accordance with the rules on ordinary civil courts. As regards territorial jurisdiction, (a) the chamber competent for the Community trade mark in Athens covers the regions of the Courts of Appeal of Athens, the Aegean, the Dodecanese, Corfu, Crete, Lamia, Nafplion, Patras and Piraeus, (b) the chamber competent for the Community trade mark in Thessaloniki covers the regions of the Courts of Appeal of Thessaloniki, West Macedonia, Thrace, Ioannina and Larissa, and (c) the chamber competent for maritime law in Piraeus covers the entire Prefecture of Attica.

Last update: 29/11/2017

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

La versione originale in lingua es di questa pagina è stata modificata di recente. La versione linguistica visualizzata è attualmente in fase di traduzione.

Which country's court is responsible? - Spain

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The principle underpinning the organisation of the courts in Spain is that of unity of jurisdiction. The only exceptions are military jurisdiction in times of war and states of siege, and the Constitutional Court (*Tribunal Constitucional*) as the ultimate guarantor of fundamental rights and public freedoms through an application for enforcement of fundamental rights and freedoms (*recurso de amparo*).
However, jurisdiction is divided between four types of courts: civil courts, criminal courts, courts for contentious administrative proceedings, and social courts.
The cornerstone of the civil courts is the Court of First Instance (*Juzgado de Primera Instancia*), which hears civil disputes at first instance and proceedings not expressly assigned to another court. The Court of First Instance can therefore be described as the ordinary or usual court.
The civil division includes the Family Courts (*Juzgados de Familia*), which are Courts of First Instance. Where Family Courts are available (generally in the larger population centres), these are responsible for hearing family law disputes concerning marriage annulment, separation and divorce, parent/child relations and the protection of persons with limited capacity. Where criminal proceedings are brought against one of the parties in a Court dealing with Violence Against Women (*Juzgado de Violencia sobre la Mujer*), that court will also have jurisdiction over these civil proceedings.
The civil division also includes the specialised Commercial Courts (*Juzgados de lo Mercantil*) and EU Trade Mark Courts (*Juzgados de Marca Comunitaria*).
The Social Courts (*Juzgados de lo Social*) are responsible for hearing cases dealing with employment law. These include individual disputes between employees and employers over employment contracts, collective bargaining disputes, Social Security claims, and claims against the State in respect of its employment law responsibilities.
The criminal courts are responsible for hearing criminal cases.
A feature of Spanish law is that civil proceedings arising from criminal offences can be joined with the criminal proceedings. In these cases, the criminal court will decide on the amount of damages payable in connection with the offence. Where a civil action is not brought by the injured party, it will be brought by the Public Prosecutor on his or her behalf, unless the injured party has expressly waived the right to bring an action in the criminal case.
Lastly, the contentious administrative courts oversee the legality of actions taken by public authorities and hear financial claims against them.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

See the answers given below.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

In Spain, no distinction is made between the various courts of first instance in terms of the amount of the claims or the seriousness of the cases they can deal with, and no court of first instance hears appeals on rulings by other first instance courts. Appeals in civil proceedings are always heard in the Provincial Courts (*Audiencias Provinciales*).

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

For court purposes, Spain is divided geographically into municipalities, judicial districts, provinces and Autonomous Communities. A district is a territorial unit comprising one or more adjoining municipalities within the same province. It is the most important territorial division, because it is the area in which a Court of First Instance has jurisdiction. (Details can be found on the Ministry of Justice website: Map of judicial districts (mjusticia.gob.es).)
Where necessary in order to deal with the caseload, there is more than one court of the same type. This is now the case in most towns. The courts are numbered consecutively according to when they were established.
In principle, all these courts have the same jurisdiction, and the work is distributed between them according to internal government allocation rules. However, in some circumstances the allocation rules may be used to assign different types of case to different courts within the same district.

2.2.1 The basic rule of territorial jurisdiction

In the absence of any agreement or mandatory rules, the basic rule is that jurisdiction lies with the Court of First Instance of the district where the defendant has his or her domicile or, failing that, his or her residence. If the defendant is neither domiciled nor resident in Spain, the competent court will be the Court of First Instance for the district where the defendant is present or was last resident. Where none of these criteria applies, the claimant may file the claim with the Court of First Instance for the district of his or her domicile.

For these purposes:

Claims against business owners and professional people brought in connection with their business or professional activities may also be brought in any of the places where they carry on their activities, at the claimant's choice.

Claims against legal entities may also be brought in the place where the situation or legal relationship that is the subject of the claim occurred or is to have effect, provided that the legal entity has an establishment or a representative there.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The current Spanish procedural system tends not to leave the choice of territorial jurisdiction to the claimant. It only happens in the following cases:

Actions *in rem* over real property involving either several properties or one property located in various different districts. In these cases claimants can opt to bring the action in any of the districts with jurisdiction.

Actions to require the presentation and approval of accounts by those responsible for managing another party's assets, if the location where the accounts are to be presented has not been determined. In these cases, claimants may choose between the defendant's domicile and the place where the assets are managed.

Inheritance disputes: claimants can choose between the courts of the deceased's last domicile in Spain and the courts where the majority of the estate is located.

Intellectual property actions: claimants may choose between the following locations: where the infringement occurred; where there is *prima facie* evidence that the infringement took place; or where there are unlawful copies.

Unfair competition cases where the defendant has no establishment, domicile or residence in Spain. In these cases, claimants may choose either the place where the unfair competition occurred or where its effects are felt.

Claims solely concerned with custody of minors or maintenance claims brought by one parent against the other on behalf of minors, where the two are resident in different court districts. In these cases, claimants may choose either the court where the defendant is domiciled or the court where the child is resident.

Generally speaking, actions involving the exercise of individual consumer or user rights may be heard by the court of the domicile of the consumer, user or defendant, at the choice of the consumer or user.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In the following cases, there are mandatory rules requiring the claimant to apply to a court other than that of the defendant's domicile. In these cases, the parties cannot opt to submit to the jurisdiction of a particular court, either expressly or implicitly:

Rights *in rem* or rights to receive rent in respect of real property and matters relating to commonhold property (*propiedad horizontal*): jurisdiction lies with the courts of the district where the property is located.

Inheritance matters: jurisdiction is determined either by where the deceased was last domiciled in Spain or by where the majority of the estate is located, at the choice of the claimant.

Cases involving assistance for or representation of persons without capacity: these will be heard by the court of the place where the person in question is living.

Protection of fundamental rights through the civil courts: these cases will be heard by the court of the claimant's domicile or, where the claimant has no domicile in Spain, of the place where the act that infringed the right in question took place.

Claims for damages in respect of use of motor vehicles: the court of the place where the damage occurred will have jurisdiction.

Challenges to company resolutions: territorial jurisdiction is determined by the location of the company's registered office.

Actions for a declaration that certain general terms and conditions of contract do not form part of a contract or that a clause is void: the court of the place of the claimant's domicile has jurisdiction.

Declarative actions for the termination or withdrawal of standard contract terms where the defendant has no establishment or domicile in Spain: in these cases the court of the place where the standard contract was concluded has jurisdiction.

Injunctions for the protection of consumers' or users' collective or common interests where the defendant has no establishment or domicile in Spain: in these cases the court of the claimant's domicile has jurisdiction.

Actions to require any of the following persons to comply with their obligations: an insurance company; someone who has sold personal property to another person in instalments, or funded the purchase of that property; someone who has made a public offer of personal property or services that another person has accepted. In these cases, the court of the place of the claimant's domicile has jurisdiction.

Third-party actions to contest seizure of property: the court of the place of domicile of the entity that ordered the seizure will have jurisdiction.

Applications for separation, annulment or divorce: jurisdiction lies with the Family Court – or where there is no Family Court, the Court of First Instance of the location of the marital home. Where there is no marital home, jurisdiction will lie with the court of the location of either the last marital home or the residence of the other spouse. Where none of these exists, the court where the individual is domiciled will have jurisdiction. Where an application is made by mutual agreement, jurisdiction will lie with the court of the location of the last shared home or of the domicile of either spouse.

Claims solely concerned with custody of minors or maintenance claims brought by one parent against the other on behalf of minors: in these cases jurisdiction will lie with the court of the location of the parents' last shared home. Where the parents live in different judicial districts, the claimant may choose between the court where the defendant is domiciled and the court where the child is resident.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

As a general rule, territorial jurisdiction can be changed in Spain, meaning that litigants can submit, either expressly or tacitly, to the courts of a particular district, provided that the courts in question have jurisdiction over the subject matter.

Express submission occurs where the interested parties conclude an express agreement stating the specific district to whose courts they submit.

Tacit submission occurs in the following circumstances:

In the case of the claimant, by the mere fact of applying to the courts of a particular district and filing a claim or making an application or request that has to be filed with the court having jurisdiction to hear the claim.

In the case of the defendant, where he or she has entered an appearance and subsequently performs any procedural step other than filing an application in due time and form to challenge the court's jurisdiction.

Any changes to the parties' domiciles, the location of the object in dispute or the purpose of the proceedings that take place after proceedings have commenced will not lead to a change in jurisdiction, which will be determined in accordance with the situation as confirmed at the start of proceedings (*Perpetuatio Iurisdictionis*).

However:

Express submission is not permitted in standard form contracts, contracts where general terms and conditions have been imposed by one of the parties, or consumer/user contracts. However, tacit submission is possible in these cases.

No form of submission is possible where the law lays down mandatory rules on territorial jurisdiction.

No form of submission is allowed in fast-track proceedings, order for payment procedures or debt enforcement procedures.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The specialised courts in Spain include the courts listed below.

The Family Courts, which are Courts of First Instance. Where Family Courts are available (generally in the larger population centres), these have sole and exclusive jurisdiction over family matters. Specifically they hear cases concerning:

separation, annulment and divorce; and

the exercise of parental responsibility over minors.

The rules on territorial jurisdiction are the same as the rules that apply to the Courts of First Instance hearing family law matters in the absence of a specialised Family Court in the district in question.

The Social Courts hear employment law claims. These include individual disputes between employees and employers over employment contracts, collective bargaining disputes, Social Security claims and claims against the State in respect of its employment law responsibilities.

The general rule is that territorial jurisdiction lies with the court in the place where the worker provides his or her services or where the defendant is domiciled, at the choice of the claimant.

The Commercial Courts operate at provincial level and deal with commercial litigation.

These courts will hear:

Cases involving any insolvency-related matters, except where the insolvency involves an individual other than a business person: in these cases the non-specialised Courts of First Instance have jurisdiction.

They will also hear related cases involving the following matters:

Civil financial claims against the insolvent person's assets, except claims in proceedings concerning capacity, parentage, marriage and minors.

Corporate actions to bring about the collective termination, amendment or suspension of contracts of employment where the employer is the insolvent party, or actions to suspend or terminate senior management contracts.

Any enforcement action or provisional measure against the insolvent party's assets and economic rights, regardless of which court made the order.

Civil liability actions against company directors, auditors or liquidators over damage and loss suffered by the insolvent party during the insolvency procedure.

Claims relating to:

unfair competition,

intellectual property and advertising,

company law and the law governing cooperative societies,

national or international transport,

maritime law,

general terms and conditions of contract,

the application of arbitration rules to the matters listed above.

Jurisdiction to open and hear insolvency proceedings lies with the Commercial Court of the territory where the debtor has the centre of his or her main interests. If the debtor is also domiciled in Spain and the domicile and centre of main interests are in different places, the Commercial Court of the debtor's domicile will also be competent to hear the case, at the choice of the creditor making the application.

Where the debtor is a legal entity, the presumption is that its registered office is the centre of its main interests. For these purposes, any change of registered office occurring within the six months prior to the application to open insolvency proceedings will not be taken into account.

The Commercial Courts in Alicante operate as the EU Trade Mark Courts when they exercise their exclusive jurisdiction to hear at first instance any litigation brought before them under Council Regulation No 40/94 of 20 December 1993 on the Community trade mark and Council Regulation No 6/2002 of 12 December 2001 on Community designs.

When exercising their jurisdiction over these matters, the Trade Mark Courts have jurisdiction throughout the national territory.

Aside from these specialised courts, by law the General Council for the Judiciary (*Consejo General del Poder Judicial*) may rule that, where there are several courts of the same type, one or more of them shall have exclusive jurisdiction to hear certain classes of case or to oversee enforcement in the area of law concerned.

This power has already been exercised in several locations, particularly in relation to incapacity and forced institutionalisation on grounds of mental illness, where jurisdiction has generally been assigned to the Family Courts.

Last update: 27/10/2022

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - France

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The French legal structure involves the coexistence of two types of courts: administrative and judicial.

Each category is composed of a three-level structure.

In the first category, the ordinary courts handing down judgments are the administrative courts (*tribunaux administratifs*), as well as various specialised administrative courts. These decisions can be challenged before administrative courts of appeal (*cours administratives d'appel*). Finally, those rulings are subject to review by the Council of State (*Conseil d'Etat*).

In the second category, the ordinary courts handing down decisions at first instance are the regional courts (*tribunaux de grande instance*), along with a series of other courts the jurisdiction of which was established by legislation. These decisions may be contested before courts of appeal (*cours d'appel*),

which are made up of several chambers (civil (*civile*), social (*sociale*), commercial (*commerciale*) and criminal (*criminelle*)). The rulings made by the courts of appeal may give rise to an appeal before the Court of Cassation (*Cour de cassation*) (which itself is made up of several chambers structured around the areas listed for the courts of appeal).
The breakdown of the categories of courts is as follows:
Administrative courts:
Council of State (1)
Administrative courts of appeal (8)
Administrative courts (42)
Judicial courts:
Court of Cassation (1)
Courts of appeal (36)
Supreme Court of Appeal (*Tribunal supérieur d'appel*) (1)
Regional courts (164) [16 of which have commercial jurisdiction]
Courts of first instance (*Tribunaux de première instance*) (4) [2 of which have commercial jurisdiction]
Juvenile courts (*Tribunaux pour enfants*) (155)
Social security tribunals (*Tribunaux des affaires de sécurité sociale*) (114)
District courts (*Tribunaux d'instance*) (307)
Employment tribunals (*Conseils de prud'hommes*) (210)
Labour courts (*Tribunaux du travail*) (6)
Commercial courts (*Tribunaux de commerce*) (134)
The specialisations for the judicial courts are:
The district courts judge the most common disputes. As a rule they judge all claims concerning amounts up to €10 000. They also have jurisdiction to rule on certain specific disputes (unpaid rent, attachment of earnings, workplace-level elections, credit in matters of consumer law).
The commercial courts have jurisdiction for disputes between traders, between credit establishments or between those two types of business, disputes relating to trading companies, as well as disputes concerning commercial transactions between any persons and concerning the financial difficulties of trading companies (liquidation and receivership, etc.),
Agricultural land tribunals (*tribunaux paritaires des baux ruraux*) have jurisdiction to hear disputes between tenants and landlords of agricultural land (tenant farming, sharecropping, etc.),
Employment tribunals deal with all disputes between employees and employers covered by individual private law employment contracts,
Until a date set by decree and at the latest 1 January 2019, social security tribunals (*tribunaux des affaires de sécurité sociale*) have jurisdiction over disputes to which social security and agricultural mutual insurance legislation and regulations apply; from a date set by decree and at the latest 1 January 2019, these disputes shall fall under the jurisdiction of specially designated regional courts,
Until a date set by decree and at the latest 1 January 2019 incapacity dispute courts (*tribunaux du contentieux de l'incapacité*) hear disputes relating to disability or degrees of disability, permanent incapacity and inaptitude for work; from a date set by decree and at the latest 1 January 2019, these disputes shall fall under the jurisdiction of specially designated regional courts,
Military pensions courts hear disputes relating to military pensions.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The distribution of jurisdiction between the regional courts, the district courts and the local courts (*juridictions de proximité*) is specified above. It should be noted that, in the absence of jurisdiction being specifically granted to other courts, the regional courts are the competent ordinary courts.
The district courts have jurisdiction to rule on disputes of up to and including €10 000 and of unlimited value in disputes over certain matters such as consumer law, guardianship of adults and residential leases.
The regional courts have jurisdiction for all other civil disputes that do not fall under that of other courts, in particular in relation to family matters.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As a rule, jurisdiction lies with the court of the defendant's place of residence. The purpose of this rule is to give a degree of protection to defendants, as it will be easier for them to defend themselves at the court nearest their home.
If the defendant is a natural person, therefore, jurisdiction will lie with the court of the place at which they are domiciled or resident. For a legal person (company, association), it is the place where it is established, in general where its registered address is located. In some cases, the main known establishment is different to the registered address. In such cases, it is possible to apply to the court in the location of the main establishment. For large companies with several branches, the court applied to may be in the location of one of its branches.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Contracts: claimants may bring an action either at the place where the defendant is resident or, depending on the nature of the contract, the place where the goods are to be delivered or the services are to be performed.
In cases of liability for a harmful act (tort/delict) and in civil proceedings joined to a criminal prosecution, the claim may be brought before the court of the place where the defendant lives or the court of the place where the damage was suffered or the harmful act took place.
In immovable property matters: the claimant may bring the matter before the court of the place where the property is situated.
In matters of maintenance or contributions to the costs of a marriage: the claimant has the choice between the court of the place where the defendant lives or that of the place where the creditor lives, i.e. the court where the claimant lives.
In disputes involving consumers: consumers may choose to apply to the court where they were living at the time when the contract was concluded or the harmful act arose.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In disputes regarding maintenance allowances or compensatory payments: jurisdiction lies with the court of the place of residence of the creditor spouse or of the parent who is the main carer for the children, even if they are adults.

Divorce: the court of the place where the family lives has jurisdiction. If the spouses live apart, the court of the place where the children live has jurisdiction. If the spouses have no children, the court of the place where the defendant lives has jurisdiction.
Succession: jurisdiction lies with the court of the place where the deceased last lived.
In immovable property matters: jurisdiction lies with the court of the place where the property is situated.
Property leases: jurisdiction lies with the court of the place where the property is situated.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

All the specialist courts have sole jurisdiction and an objection to jurisdiction must be automatically raised by the court. The only possibility of applying to a court that would not normally have jurisdiction lies in the choice between the regional courts and the district courts for matters in which they do not have sole jurisdiction.
As a rule, any clause of a contract that goes against the rules of territorial jurisdiction and allocation is void, except in contracts made between two traders, provided that the clause is specified very clearly.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Commercial courts: as a rule, jurisdiction lies with the court of the place where the defendant resides. In cases of liability for a harmful act, jurisdiction lies with the court of the place where the harmful act occurred or in the jurisdiction of which the harm was suffered.
Agricultural land tribunals: jurisdiction lies with the court of the place where the property is situated.
Employment tribunals: employees may apply to employment tribunals in the location of the establishment in which they work, the place where the contract was concluded or the location of the registered address of the company that employs them. If the work took place outside any establishment, the case must be brought before the employment tribunal in the place where the employee resides.
Social affairs courts (until a date set by decree and at the latest 1 January 2019): as a rule, jurisdiction lies with the court of the place of residence of the beneficiary or employer concerned or of the registered address of the defendant organisation in the event of a dispute between organisations with registered addresses in different jurisdictions.

Related links

Ministry of Justice website
Legifrance website

Last update: 29/11/2017

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Croatia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

An application is made to the court with territorial or subject-matter jurisdiction to hear that the case at hand, and, in the event of a specific dispute, to a specialised court. However, only the City of Zagreb (*Grad Zagreb*) has a municipal civil court (*Općinski građanski sud*) and a municipal labour court (*Općinski radni sud*) as specialised courts for these matters, while elsewhere municipal courts (*Općinski sudovi*) generally have jurisdiction.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The rules on which court has jurisdiction are found in the Civil Procedure Act.
To be precise, an application is filed with the court with general territorial jurisdiction for the defendant, i.e. with general territorial jurisdiction based on temporary or permanent residence or the defendant's registered office, if the defendant is a legal entity. If a dispute is filed against a county, the City of Zagreb, towns and municipalities, the court with the general territorial jurisdiction is defined according to where their representative body is located.
However, for disputes against the Republic of Croatia, the court with general territorial jurisdiction is defined according to where the applicant has his or her permanent residence or registered office in Croatia. If the applicant does not have permanent residence or registered office in Croatia, the court with the general territorial jurisdiction in disputes against the Republic of Croatia is the court with jurisdiction over the area in which the Croatian Parliament is located (*Hrvatski Sabor*).

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

There is a distinction between lower and higher courts. Municipal courts (*Općinski sudovi*) and commercial courts (*Trgovački sudovi*) are courts of the first instance, and county courts (*Županijski sudovi*) and the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud RH*) are courts of appeal. To be precise, county courts decide on appeals against decisions made by municipal courts and the High Commercial Court of the Republic of Croatia decides on appeals against decisions made by commercial courts.
Only in cases that are specially provided for can county courts and the High Commercial Court of the Republic of Croatia be courts of the first instance, in which case their decisions may be appealed at the Supreme Court of the Republic of Croatia (*Vrhovni sud RH*).
Therefore, the higher courts are only competent for appeals in exceptional cases, where the lower courts declare that they do not have jurisdiction and refer the case for further consideration.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Determining which court is competent for a specific case depends on various circumstances, however, as a rule, the court with general territorial jurisdiction covering the defendant will be the competent court.

2.2.1 The basic rule of territorial jurisdiction

The basic rule of territorial jurisdiction is the permanent or temporary residence of the defendant or the registered office of the defendant for legal entities.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?
2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?
2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

By way of derogation from the basic rule of general territorial jurisdiction, the Civil Procedure Act (in articles 50 - 66) provides for cases of special territorial jurisdiction which apply to co-litigants, disputes over statutory maintenance, disputes over damages, disputes over rights arising from manufacturer warranties, marital disputes, disputes over establishing or denying paternity or maternity, disputes over immoveable property and in trespass disputes, disputes over aircraft and vessels, determining jurisdiction over persons for whom there is no general territorial jurisdiction in the Republic of Croatia, jurisdiction according to the place where the branch of a legal person is located, jurisdiction according to the place where the representative office of a

foreign person is located in the Republic of Croatia, jurisdiction in disputes arising from relations with organisational units of the armed forces of the Republic of Croatia, jurisdiction in disputes arising from inheritance law relations, jurisdiction for disputes in enforcement and bankruptcy proceedings, jurisdiction according to the place of payment, jurisdiction in employment-related disputes and reciprocal jurisdiction for complaints against foreign citizens.
In the aforementioned cases the applicant may always, but is never required to, select a different court from the one in which the defendant lives that was determined by applying the basic rule.
Finally, according to Article 70 of the Civil Procedure Act, parties may come to an agreement on the territorial jurisdiction of another court with subject-matter jurisdiction, but only if it is not a court with exclusive jurisdiction.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Depending on whether it is a civil or commercial dispute, an application can be brought before a municipal court (*Općinski sud)* or a commercial court (*Trgovački sud*), and in the City of Zagreb it can also be brought before the municipal labour court *(Općinski radni sud*) in the case of labour disputes.

Last update: 28/03/2024
The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Italy

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

As a general rule, in the Italian legal system, jurisdiction lies with the ordinary courts, since these courts have specific jurisdiction over disputes relating to personal rights and entitlements. The Justice of the Peace (*Giudice di Pace*), the General Court (*Tribunale*) and the Court of Appeal (*Corte di Appello*) are all ordinary judicial bodies. The court of last instance is the Supreme Court of Cassation (*Suprema Corte di Cassazione*), while the constitutional court is the Constitutional Court (*Corte Costituzionale*). Besides the ordinary court system, provision is also made for an administrative court system. Administrative courts have jurisdiction to hear disputes concerning issues of legitimate interests and, in the specific areas laid down by law, disputes involving individual rights, relating to the exercise of or failure to exercise administrative powers in relation to measures, acts, agreements or conduct involving the exercise of those powers, on the part of public authorities. Acts or measures adopted by the Government in the exercise of political power may not be challenged before the courts. Administrative jurisdiction is exercised by the Regional Administrative Courts (*Tribunali Amministrativi Regionali* – TAR) and by the Council of State (*Consiglio di Stato*), according to the provisions set out in the Code of Administrative Procedure. The court of last instance is the Supreme Court of Cassation, but only on jurisdictional grounds. There is also another special court – the tax court (*tributario*). Fiscal jurisdiction is exercised by the Provincial Tax Courts (*Commissioni Tributarie Provinciali* – CTP) and by the Regional Tax Courts (*Commissioni Tributarie Regionali* – CTR). The tax courts have jurisdiction to hear all disputes relating to taxes of every description and going by any name, including regional, provincial and municipal taxes and contributions paid to the Italian National Health Service, surtaxes and additional taxes, the associated sanctions, and interest fees and any other ancillary fees. In the Italian legal system, there are a number of 'specialised' chambers within the ordinary court system. Some of the most important specialised chambers include: a) the chambers specialising in matters concerning immigration, international protection and the free movement of EU citizens; b) the chambers specialising in corporate matters; c) the chambers specialising in agricultural matters. There are also specialised courts such as the Juvenile Court (*Tribunale per i Minorenni*) or the *Tribunale di Sorveglianza* (Court supervising the enforcement of sentences). Employment-related disputes are referred to the ordinary courts, some of which comprise specific chambers (employment chambers). However, technically speaking, these are not specialised chambers but rather organisational models within the courts.
As a general rule, the General Court has jurisdiction over all cases that do not fall under the jurisdiction of other courts. The General Court also has sole jurisdiction over all cases concerning taxes and duties (that have not been referred to the tax courts), all cases relating to the status and capacity of persons and to honorary rights, actions citing fraud, enforcements and, in general, any case having an indeterminable value.
The Justice of the Peace has jurisdiction over cases relating to movable assets worth up to EUR 50 000, when the law has not placed them under the jurisdiction of another court. From 31 October 2021, this figure will stand at EUR 30 000. The Justice of the Peace also has jurisdiction over all matters relating to the disputes indicated in Section 7 of the Code of Civil Procedure.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The criterion for identifying the court to refer the dispute to is 'jurisdiction'. In the Italian legal system, jurisdiction generally indicates the set of powers and functions that a legal body may exercise. There are different types of jurisdiction: - by subject matter; - by territory; - by instance; - by value. With respect to civil procedure, jurisdiction indicates the level of authority allocated to each judicial body and, therefore, the scope within which the decision-making powers of that body are justified. The jurisdiction in question is defined from a 'technical perspective', and its legal arrangements are set out in Sections 7 *et seq.* of the Code of Civil Procedure. On the basis of the rules in question, the procedural nature of jurisdiction constitutes a preliminary matter and may therefore form the subject of a decision within the framework of the dispute. If any of the rules governing jurisdiction are breached, the review body may, in particular, justifiably pass a ruling on a lack of jurisdiction (see Section 38 of the Code of Civil Procedure). Jurisdiction in the technical sense differs from so-called 'internal' jurisdiction, i.e. the distribution of matters within the framework of the competent judicial entity. This latter form of jurisdiction, which is also referred to as 'tabular', is dependent on the way in which the General Court is structured: for instance, through the provision of internal chambers (civil chamber No 1) or the setting-up of entities focusing on specific subjects (employment chamber) or else through the establishment of separate entities. Failure to comply with the provisions governing the allocation of matters does not give rise to a procedural issue concerning jurisdiction, but rather simply to an organisational problem as regards the distribution of the case within the judicial body.
With respect to the place where the dispute must be based, except where the law stipulates otherwise, the competent court is that of the defendant's place of residence or domicile; if these are unknown, then it is that of the defendant's place of abode. If the defendant has no residence, domicile or place of abode in Italy, or if the abode is unknown, the competent court is that of the claimant's place of residence. The rules governing territorial jurisdiction are set out in Sections 18 *et seq.* of the Code of Civil Procedure.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The ordinary court system is split into two sectors: the criminal sector, which decides on whether or not criminal lawsuits put forward by the Public Prosecutor against a given individual or entity are well-founded; and the civil sector, which aims to legally protect the rights inherent to relationships between private individuals or between a private individual and a public authority, when the latter, in carrying out its duties, harms the personal rights and entitlements of other people. In the criminal sector, judicial personnel perform adjudicating and prosecuting duties, with the former involving the passing of judgments, and the latter involving the investigations being conducted (under the aegis of the Public Prosecutor's Office). Once those investigations have been concluded, the prosecution staff either initiate criminal proceedings or file for the case to be dismissed, support the accusation in court, and carry out prosecuting duties

at subsequent instances. In accordance with the final paragraph of Section 107 of the Italian Constitution, criminal trials are brought by members of the Public Prosecutor's Office (even if they form a part of the ordinary courts). During the criminal trial, the injured party may initiate a civil action in order to receive compensation for the damages they sustained; they may also take action, separately, before the civil courts. Civil and criminal trials are governed by two separate sets of procedural rules: the Code of Civil Procedure and the Code of Criminal Procedure. Ordinary jurisdiction is administered by 'professional' judges and 'honorary' judges, both forming part of the judiciary.

At first instance, jurisdiction is exercised by the following bodies in both civil and criminal cases:

The Justice of the Peace – where an honorary judge presides alone

The Ordinary General Court (*Tribunale Ordinario*), which is made up of either a single judge or a panel of judges, depending on the nature of the dispute

The Juvenile Court, which is made up of a panel of judges assisted by experts

The *Tribunale di Sorveglianza*, which is made up of either a single judge or a panel of judges (assisted by experts).

At first instance, the prosecuting duties are carried out by:

The Public Prosecutor at the Ordinary General Court (including for offences falling under the jurisdiction of the Justice of the Peace)

The Public Prosecutor at the Juvenile Court

The Public Prosecutor at the Court of Appeal, for proceedings brought before the *Tribunale di Sorveglianza*.

At second instance, jurisdiction is exercised by the following bodies:

The Court of Appeal, for appeals lodged against judgments passed by the Ordinary General Court and the Juvenile Court;

The Ordinary General Court, for appeals lodged against judgments passed by the Justice of the Peace (and also for appeals lodged against orders relating to personal freedom);

The *Tribunale di Sorveglianza*, for appeals lodged against judgments passed by the Sentence Supervision Judge.

At second instance, the prosecuting duties are carried out by the Public Prosecutor at the Court of Appeal. Jurisdiction on the legitimacy of judgments is exercised by the Supreme Court of Cassation; in trials brought before the Court, the prosecuting duties are carried out by the Public Prosecutor at the Supreme Court of Cassation. Lastly, it should be pointed out that the prosecuting bodies in Italy also include the National Anti-Mafia and Anti-Terrorism Directorate (*Direzione Nazionale Antimafia e Antiterrorismo*), which carries out, as set out in Legislative Decree No 160/06, nationally coordinated prosecution duties.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Except where the law provides otherwise, the competent court is that of the defendant's place of residence or domicile; if these are unknown, then it is that of the defendant's place of abode. If the defendant has no residence, domicile or place of abode in Italy, or if the abode is unknown, the competent court is that of the claimant's place of residence. There are, however, special rules in place for determining the place where the dispute must be based: the general and special rules are given in Articles 18 *et seq.* of the Code of Civil Procedure. However, there are also different rules given in special laws governing, for example, matters concerning families or children, the enforcement of judgments, or consumers' rights.

2.2.1 The basic rule of territorial jurisdiction

For natural persons, except where the law provides otherwise, the competent court is that of the defendant's place of residence or domicile; if these are unknown, then it is that of the defendant's place of abode. If the defendant has no residence, domicile or place of abode in Italy, or if the abode is unknown, the competent court is that of the claimant's place of residence.

For legal persons, except where the law provides otherwise, if the defendant is a legal person, the competent court is that of its headquarters. If the legal person has other premises or a representative authorised to appear in court in relation to the application, the competent court is also that of the place where that representative or those premises is/are located. For jurisdiction-related purposes, companies without legal personality, unincorporated associations and committees have their headquarters at the place where they habitually carry out their activities.

In cases involving entitlements against specified persons (*diritti di obbligazione*), jurisdiction also lies with the court of the place where the obligation arose or has to be performed.

2.2.2 Exceptions to the basic rule

Court for child-related cases (Foro per le cause relative a bambini)

For intervening orders concerning parental responsibility, the habitual residence of the child at the time the application was submitted constitutes the key criterion. The habitual residence of the child must be identified on the basis of objective criteria; if the child is transferred, this shall not establish the jurisdiction of the court of their new residence if a minimum, non-appreciable period of time has elapsed, taking account of the child's age.

Court for marriage-related cases (Foro per le cause relative al matrimonio)

Separation. In cases of legal separation, the application is lodged with the court of the place where the couple last resided together or, if they never resided together, of the place of residence or domicile of the respondent spouse. If the respondent spouse resides abroad, or cannot be reached, the application is lodged with the court of the place of residence or domicile of the applicant; if that spouse also resides abroad, it may be lodged with any court in Italy.

Divorce. The competent court for hearing applications for the dissolution of a civil marriage or the termination of the civil effects of a concordat [Catholic rite] marriage is the court of the place of residence or domicile of the respondent spouse, notwithstanding the other criteria for determining jurisdiction provided as alternatives by the same legal provision. Joint applications, however, may be lodged with the court of the place of residence or domicile of either spouse.

Court for employment-related cases (Foro per le cause di lavoro)

At first instance, employment-related disputes fall under the jurisdiction of the General Court, acting as a labour court. Territorial jurisdiction lies with the court of the place where the working relationship began or where the company or a branch thereof to which the employee was assigned is located, or where the employee provided their services at the time the working relationship ended. This jurisdiction shall remain in place following the transfer of the company or the closure of the company or its branch, provided that the application is lodged within six months from such a transfer or closure. Territorial jurisdiction over disputes relating to working relationships at branches of public administrative bodies lies with the court of the place where the office to which the employee is assigned or was assigned at the moment the working relationship ended is located. In disputes where one of the parties is a State Administration, a court may not serve as a *foro erariale* (a court dealing with issues of public finance).

Court for cases relating to real property rights and evictions or repossessions (Foro per le cause relative a diritti reali e ad azioni possessorie)

For cases relating to real property rights on immovable property, cases concerning the leasing and gratuitous loans for use (commodate) of buildings and business leases, and also cases relating to the application of terms and compliance with the distances established by the law, by regulations or by customs concerning the planting of trees and hedges, jurisdiction lies with the court of the place where the building or business property is located. If the building is spread over more than one legal district, jurisdiction lies with the court of the district in which the party in question pays most tax to the State; if the party pays no tax, jurisdiction lies with any court for the district in which part of the building is located. For evictions or repossessions, and for reports of new works and potential damage, jurisdiction lies with the court of the place where the act under dispute took place.

Court for inheritance-related cases (Foro per le cause ereditarie)

Jurisdiction lies with the court of the place where the inheritance proceedings were initiated, in cases:
1) relating to the inheritance claims or the division of an estate, or in any other case between joint heirs aimed at dividing an estate;
2) relating to the annulment of the division of an estate and the safeguarding of shares, provided they are initiated within two years of the estate being divided;
3) relating to loans granted to the deceased or to bequests owed by the heir, provided they are initiated before the estate has been divided and in any case within two years from the inheritance proceedings being initiated;
4) against the executor of the estate, provided they are initiated within the time frames set out in the preceding point.

Court for cases between business partners and between apartment block residents (Foro per le cause tra soci e tra condomini)

For cases between business partners, jurisdiction lies with the court of the place where the company has its head office; for cases between apartment block residents, or between apartment block residents and the apartment block itself, jurisdiction lies with the court in the district in which the communal areas (or the majority of them) are located.

Forum for cases involving public administrative bodies (Foro della pubblica amministrazione)

For cases in which one of the parties is a State Administration, jurisdiction lies – in accordance with the special laws governing the representation and defence of the State in court and in the cases provided for therein – with the court of the place where the Attorney-General's Office (*Ufficio dell'Avvocatura dello Stato*) is located, within which district the court that would have jurisdiction according to ordinary rules is based. When the administrative body is the respondent, that district is determined with respect to the court of the place where the obligation arose or has to be performed, or where the movable or immovable asset forming the subject of the application is located.

Enforcement Court (Foro dell'Esecuzione Forzata)

For enforcement over movable or immovable assets, jurisdiction lies with the court of the place where those assets are present. For enforcement over motor vehicles and trailers, jurisdiction lies with the court of the place in which the debtor's residence, domicile, abode or headquarters is located. For enforcement over obligations to either carry out or not carry out a certain act, jurisdiction lies with the court of the place where the obligation must be fulfilled.

Consumer Court (Foro del Consumatore)

In cases involving a consumer, jurisdiction lies with the court of the place in which that consumer resides or is actually domiciled. The jurisdiction of this court is exclusive and mandatory, unless the parties have come together to negotiate the involvement of other courts. The procedural conduct of the consumer, which clearly comes after the initiation of the trial, cannot assume a value equivalent to negotiations and cannot justify derogation from the Consumer Court.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

In some cases, a dispute may be lodged with several different courts, which are referred to as alternative courts. This scenario applies, in particular, to cases involving entitlements against specified persons: in this case, with respect to the court of the place where the respondent is domiciled, jurisdiction also lies with the court of the place where the obligation arose or has to be performed.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

The court of the respondent's place of residence does not have jurisdiction in the event that Italian law provides for a different, exclusive court. In this respect, please refer to chapter 2.2.2 ('Exceptions to the basic rule').

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Except where there is mandatory jurisdiction (that for which derogation by way of agreement is precluded), the parties may together agree on a different court (Section 20 of the Code of Civil Procedure).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

If a specialised court has jurisdiction, the competence criteria set out in the relevant special laws shall apply.

Administrative courts. Jurisdiction over disputes relating to measures, acts, agreements or the conduct of public administrative bodies always lies with the Regional Administrative Court in the territorial district in which those bodies have their headquarters. In any case, jurisdiction always lies with the Regional Administrative Court with respect to any disputes relating to measures, acts, agreements or the conduct of public administrative bodies the direct effects of which are limited to the territory of the region in which that Court is based. For disputes relating to civil servants, jurisdiction always lies with the court in the territorial district of which the place of employment is located. In other cases, jurisdiction always lies – with respect to State acts – with the Regional Administrative Court of Lazio (having its headquarters in Rome) and – with respect to the acts of supraregional public entities – with the Regional Administrative Court of the Region in which they have their headquarters.

Tax courts. The provincial tax courts have jurisdiction over all complaints lodged against tax authorities and tax collectors based in their district. If a complaint is lodged against any departments of the Revenue Office (*Agenzia delle Entrate*) having jurisdiction over all or part of Italy, jurisdiction lies with the provincial tax court in whose district the office tasked with the duties set out in the disputed report is based.

Related links

► *The Italian Constitution* (EN)
https://www.senato.it/sites/default/files/media-documents/COST_INGLESE.pdf
► *Italian Laws and Codes* (IT)
https://www.normattiva.it/?language=en
►Italian Code of Civil Procedure (IT)
http://www.altalex.com/documents/codici-altalex/2015/01/02/codice-di-procedura-civile
►The Code of Administrative Trial (EN)
https://www.giustizia-amministrativa.it/cdsintra/wcm/idc/groups/public/documents/document/mday/mzk3/~edisp/nsiga_4276977.pdf
►Code de justice administrative (FR)
https://www.giustizia-amministrativa.it/cdsintra/wcm/idc/groups/public/documents/document/mday/njiz/~edisp/nsiga_4506451.pdf
► Italienische Verwaltungsprozessordnung (DE)
https://www.giustizia-amministrativa.it/cdsintra/wcm/idc/groups/public/documents/document/mday/nda5/~edisp/nsiga_4289867.pdf
► Italy's judicial system (EN)
https://www.csm.it/web/csm-international-corner/consiglio-superiore-della-magistratura/sistema-giudiziario-italiano?show=true&title=&show_bcrumb=
► Tax Procedural Code (IT)
http://def.finanze.it/DocTribFrontend/getAttoNormativoDetail.do?id=%7bECD81E71-D37B-4722-AA36-116B5BCB2232%7d
► Ministry of Justice (IT)
https://www.giustizia.it/giustizia

Last update: 06/12/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the

European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Cyprus

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Ordinary civil courts (called district courts in the Cyprus legal system) have jurisdiction to hear most civil cases.

In the case of a specific judicial dispute, however, you should apply to a specialised court with jurisdiction to hear that case.

For example, family disputes (e.g. divorce, alimony, parental responsibility, communication with underage children, property disputes, etc.) are heard by the **family courts** of the Republic of Cyprus.

When it comes to labour disputes (employer-employee relations, e.g. illegal dismissal, redundancy, etc.), you will have to apply to the **industrial dispute tribunal** of the district in which the dispute arose or, in the absence of that, in the one in which the claimant has his/her usual domicile or permanent place of residence. However, the ordinary civil courts (district courts) will have jurisdiction to hear cases in which the damages sought exceed the salaries of two (2) years and therefore you should apply to these courts.

As regards disputes relating to leased property (e.g. increasing the rent, eviction, etc.), you should apply to the **rent control tribunal** of the district in which the property is situated.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

Please see the answer to question 2.2 below.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

There is no distinction between ordinary civil courts of first instance in the Cypriot legal system. There is, however, a distinction between district judges as regards their rank (presiding judge of the district court, senior judge of the district court, judge of the district court), and their jurisdiction to hear specific cases depends on that rank.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

A district court (ordinary civil court) has jurisdiction to settle any dispute where:

the basis for the dispute arose entirely or partly within the boundaries of the district for which the court was established;

the defendant, or any of the defendants, lived or worked within the district for which the court was established at the time of lodging the action;

all the parties to the case are Cypriot nationals and the basis for the action arose entirely or partly within the Sovereign Base Areas or the defendant (or any of the defendants) lives or works therein;

the basis for the action arose entirely or partly within the Sovereign Base Area due to the use of a motor vehicle by a person that was, or should have been, insured under Article 3 of the Motor Vehicles (Third Party Insurance) Act;

the basis for the action arose entirely or partly within the Sovereign Base Area due to an employee's accident or occupational disease that took place during his/her employment in relation to an employer's liability for which he/she was, or should have been, insured under Article 4 of the Motor Vehicles (Third Party Insurance) Act;

the action relates to the distribution or sale of any immovable property or any other issue pertaining to immovable property which is situated within the boundaries of the district for which the court was established.

2.2.2 Exceptions to the basic rule

Where the action relates to a charitable institution or any patent or trademark for which the district court is responsible under Article 7 and the List of Law 29 /1983, the action is lodged before any district court.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Where, in the cases referred to in paragraph 2.2.1 above, there is already an alternative territorial jurisdiction or in the cases referred to in paragraph 2.2.2.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In the event of sole jurisdiction of the property (see last point in the answer to question 2.2.1 above).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

No.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Usually, the procedure is initiated by an authorised attorney, who knows which court to address. Otherwise, in the absence of a legal representative, you may refer to the Registration Department of the Supreme Court for relevant information.

Supreme Court of Cyprus

Last update: 07/12/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Latvia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The Law on Civil Procedure (*Civilprocesa likums*) guarantees that every person, natural or legal, has a right to court protection of their civil rights, if their rights are infringed or disputed, and to court protection of any interest safeguarded by the law. As a general rule, all civil disputes are dealt with by the courts, following the ordinary court procedures. In exceptional cases, and only where specified under legislation, civil disputes may be decided by other extrajudicial procedures. Where there is provision in legislation, a court will also hear claims brought by natural and legal persons which are not by their nature civil disputes. In all cases, however, the allocation of a dispute is decided by a court or a judge. If a court or a judge recognises that a dispute is not within the jurisdiction of a court, the decision to this effect indicates the body responsible for adjudicating the dispute.

At the same time, the ordinary rules of jurisdiction are subject to certain exceptions that stipulate the level of the court that is to hear the case at first instance. A specialised Court of Economic Affairs to hear certain categories of civil and criminal cases has been operating in Latvia since 31 March 2021.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

District courts (*rajona tiesa*) and city courts (*pilsētas tiesa*) act as courts of first instance in civil cases. The Vidzeme Suburb Court of Riga City (*Rīgas pilsētas Vidzemes priekšpilsētas tiesa*) examines cases in which the files refer to a matter of State secrecy and cases regarding the protection of patents, topography of semiconductor products, designs, trademarks and geographical indications. The Land Registry Office of a district (city) court examines applications for the

undisputed enforcement of obligations (*bezstrīdus piespiedu izpildīšana*) and compulsory enforcement of obligations on court notice (*saistību piespiedu izpildīšanu brīdinājuma kārtība*), and also applications for the confirmation of statements of auction (*izsoles aktu apstiprināšana*), except for the confirmation thereof in the cases regarding insolvency proceedings.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The merits of a case cannot be examined in a higher court until it has been heard in a lower court. The court of first instance for civil cases is the district or city court or the regional court (*apgabaltiesa*). In civil proceedings cases are considered on the merits by the court of first instance with jurisdiction for the type of case and subject matter and for the place of the dispute.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Civil cases are assigned to be heard at first instance to courts at different levels, on the basis of subject matter: cases are classed according to the category or nature of the claim. But even then courts at the same level each have their own territorial jurisdiction.

2.2.1 The basic rule of territorial jurisdiction

General procedures concerning territorial jurisdiction lay down that a claim against a natural person is to be brought before the court of the person's declared place of residence (Section 26 of the Law on Civil Procedure). A claim against a legal person is to be brought before the court of the legal person's registered office. Thus, the appropriate court of first instance is determined by the subject-matter and by the rules governing territorial jurisdiction.

2.2.2 Exceptions to the basic rule

The Law on Civil Procedure also specifies exceptions to the rules on territorial jurisdiction in civil cases, whereby a plaintiff may choose either to bring an action pursuant to the general provisions on territorial jurisdiction, i.e. apply to the court of the defendant's declared place of residence or registered office, or to bring an action before a different court of first instance, at the same level, which the legislation designates as an alternative court.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

A claim against a defendant who has not got a declared place of residence is brought before a court determined by the defendant's *de facto* place of residence.

If the defendant's *de facto* place of residence is unknown, or the defendant has no permanent place of residence in Latvia, the claim is brought before the court of the place where any immovable property belonging to the defendant is situated, or of the defendant's last known place of residence.

In certain cases defined in legislation, a plaintiff has certain rights to choose to bring a claim either before a court which is determined by the defendant's declared place of residence or registered office or before another court.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Rules relating to the choice of jurisdiction by the plaintiff are laid down in Section 28 of the Law on Civil Procedure, which gives a detailed list of types of cases and alternative courts before which a claim may be brought:

an action arising in relation to the activities of a subsidiary or representative office of a legal person may also be brought in the court where the registered office of the subsidiary or representative office is located;

an action regarding recovery of maintenance for children or parents or determination of paternity may also be brought in the court of the declared place of residence of the plaintiff;

an action arising out of personal injury (Sections 1635, 2347–2353 of the Civil Law (*Civillikums*)) may also be brought in the court of the declared place of residence of the plaintiff or the place where the injury was inflicted;

an action regarding damage to the property of a natural or legal person may also be brought in the court of the place where the damage was inflicted;

an action regarding restitution of property, or compensation for the value thereof, may also be brought in the court of the declared place of residence of the plaintiff;

maritime claims may also be brought in the court of a place where a vessel belonging to the defendant has been seized;

an action against several defendants who reside at or are located in various places may be brought in the court of the place of residence or registered office of one defendant;

an action relating to a divorce or annulment of marriage may be brought before the court at the option of the plaintiff or of the declared place of residence of the plaintiff, but, failing that, before the court of the *de facto* place of residence of the plaintiff, if:

minors are residing with the plaintiff;

the marriage to be dissolved is with a person who is serving a prison sentence;

the marriage to be dissolved is with a person who has no declared place of residence, whose place of residence is unknown or who lives abroad;

an action arising out of an employment relationship may also be brought in the court of the declared place of residence or place of work of the plaintiff.

If a plaintiff in the cases referred to above does not have a declared place of residence, a claim may be brought before the court of the plaintiff's *de facto* place of residence.

There is also provision for exclusive jurisdiction in civil cases, which overrides not only the ordinary territorial jurisdiction but all the other forms of territorial jurisdiction too. Jurisdiction is determined by the type of action in the following cases:

an action regarding ownership rights or any other property rights in regard to immovable property or appurtenances thereof, or an action regarding registration of such rights in the land register or removal of such rights and exclusion of the property from the survey record, must be brought in the court of the place where the property is situated;

where an action is brought against a deceased's estate, and there are no known heirs who have been confirmed or who have accepted an inheritance, jurisdiction lies with the court of the declared place of residence or *de facto* place of residence of the deceased, but if the deceased's declared place of residence or *de facto* place of residence is not in Latvia or is unknown, jurisdiction lies with the court of the place where the property of the estate or a part thereof is situated.

Exclusive jurisdiction may also be prescribed in other legislative acts.

The provisions set out below also apply in cases subject to special judicial procedures:

an application for the approval of an adoption must be submitted to the court of the declared place of residence of the adopter, or failing that the *de facto* place of residence of the adopter; an application to annul an adoption must be submitted to the court of the declared place of residence of the applicant, or failing that the *de facto* place of residence of the applicant.

An application for the approval of an adoption that is brought by a foreign national or a person living in a foreign state must be submitted to the court of the declared place of residence of the adoptee, but if the adoptee is in extrafamilial care the application must be submitted to the court of the place where extrafamilial care is being provided. (Section 259(2) of the Law on Civil Procedure).

An application to restrict a person's capacity to act owing to a mental disorder or other health disorder is to be submitted to the court of the person's declared place of residence, or failing that the person's *de facto* place of residence; if the person has been placed in a medical institution, the application is to be submitted to the court of the place where the medical institution is situated. (Section 264 of the Law on Civil Procedure).

an application to restrict the capacity to act and to establish a trusteeship for a person owing to his or her dissolute or spendthrift lifestyle, or excessive use of alcohol or other intoxicating substances, must be submitted to the court of the person's declared place of residence, or failing that the person's *de facto* place of residence (Section 271 of the Law on Civil Procedure);

matters regarding trusteeship for the property of an absent or missing person are to be adjudicated by the court of the person's last place of residence (Section 278 of the Law on Civil Procedure);

an application to have a missing person declared dead is to be submitted to the court of the person's last place of residence (Section 282 of the Law on Civil Procedure);

an application to have facts of legal relevance established by a court must be submitted to the court of the declared place of residence of the applicant, or failing that the person's *de facto* place of residence (Section 290 of the Law on Civil Procedure);

an application to have rights in immovable property extinguished must be submitted to the court of the place where the property is situated; an application for the extinction of any other right must be submitted to the court of the applicant's declared place of residence, or failing that the applicant's *de facto* place of residence, or in the case of a legal person the registered office, unless prescribed otherwise by law (Section 294(2) of the Law on Civil Procedure);

an application for the cancellation of a lost, stolen or destroyed document and the renewal of rights related to it must be submitted to the court of the place of payment indicated on the document, or, if the place of payment is not known, to the court of the debtor's declared place of residence, if the debtor is a natural person, or failing that the debtor's *de facto* place of residence, or in the case of a legal person the registered office; if the debtor's *de facto* place of residence or registered office is also unknown, the application must be submitted to the court of the place where the document was issued (Section 299 of the Law on Civil Procedure);

an application for the redemption of immovable property must be submitted to the court of the place where the property is situated (Section 336 of the Law on Civil Procedure);

the court shall examine a case regarding legal protection proceedings based on the legal address of the debtor which was registered for the debtor three months prior to the submission of application to the court (Section 341.1 of the Law on Civil Procedure);

a case regarding insolvency proceedings for a legal person further to an application by the debtor, the creditor, or the majority of creditors as specified in Section 42(3) of the Insolvency Law (*Maksātnespējas likums*) is to be examined by a court based on the legal address of the debtor as registered for the debtor three months prior to the submission of the application to the court. In a case regarding the commencement of the insolvency proceedings as laid down in Article 3(1) of Council Regulation No 1346/2000, it is for the court based on the location of the main interest centre of the debtor to hear the action, but in a case of commencement of insolvency proceedings as laid down in Article 3(2) of the same Regulation, it is for the court based on the location of the debtor's undertaking (within the meaning of Article 2(h) of Council Regulation No 1346/2000) (Section 363.1 of the Law on Civil Procedure);

a case concerning the insolvency of a natural person on application by that person is to be adjudicated by the court of the debtor's declared place of residence as registered for the debtor three months prior to the submission of the application to the court, but failing that according to the debtor's *de facto* place of residence. A case regarding the commencement of the insolvency proceedings as laid down in Article 3(1) of Council Regulation No 1346/2000 is to be examined by a court based on the location of the main interest centre of the debtor, but in the case of commencement of the insolvency proceedings as laid down in Article 3(2) of the same Regulation, it is for the court based on the location of the debtor's undertaking (within the meaning of Article 2(h) of Council Regulation No 1346/2000) (Section 363.22 of the Law on Civil Procedure);

matters regarding the insolvency or liquidation of credit institutions are to be adjudicated by the court of the place where the credit institution has its registered office (Section 364 of the Law on Civil Procedure);

an employer may submit an application to have a strike or a strike notice declared illegal, on the grounds set out in and in accordance with the procedure of the Law on Strikes (*Streiku likums*). The application to have the strike or strike notice declared illegal is to be submitted to the court of the place where the strike is to take place (Section 390 of the Law on Civil Procedure);

representatives of employees may submit an application to have a lock-out or notice of lock-out declared illegal, on the grounds set out in and in accordance with the procedure of the Law on Labour Disputes (*Darba strīdu likums*). The application to have the lock-out or notice of lock-out declared illegal is to be submitted to the court of the place where the lock-out is to take place (Section 394.1 of the Law on Civil Procedure).

Cases relating to undisputed enforcement of obligations (*saistību bezstrīdus piespiedu izpildīšana*):

applications for the voluntary sale of immovable property at auction through the court must be submitted to the district or city court of the place where the immovable property is situated (Section 395 of the Law on Civil Procedure);

applications for the undisputed enforcement of monetary payments or the return of movable property or for the undisputed enforcement of obligations under contracts which are secured by a commercial pledge are to be submitted to the land registry office of the district or city court of the declared place of residence of the debtor, or failing that the debtor's *de facto* place of residence (Section 403(1) of the Law on Civil Procedure);

applications for undisputed enforcement under documents pledging immovable property, or the undisputed enforcement of an obligation to vacate or return leased or rented immovable property, must be submitted to the land registry office of the district or city court of the place where the immovable property is situated. If an obligation is secured against several immovable properties, and the applications would fall within the jurisdiction of the land registry offices of different district or city courts, the application is to be adjudicated by the land registry office of the district or city court of the place where one immovable property is situated, at the choice of the applicant (Section 403(2) of the Law on Civil Procedure).

applications for undisputed enforcement based on a ship mortgage obligation must be submitted to the land registry office of the district or city court of the place of registration of the ship mortgage (Section 403(3) of the Law on Civil Procedure).

Cases relating to the enforcement of obligations on court notice (*saistību piespiedu izpildīšana brīdinājuma kārtība*):

An application for the enforcement of obligations on court notice must be submitted to the land registry office of the district or city court of the declared place of residence of the debtor, or failing that the debtor's de facto place of residence or registered office (Section 406.2 of the Law on Civil Procedure).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Yes, this possibility does exist: Latvian legislation allows the parties to choose the court with territorial jurisdiction for their case by agreement between them. When concluding a contract, the parties can specify the court of first instance where any future disputes relating to the contract or fulfilment of its terms are to be settled. They may not alter the jurisdiction with regard to the subject matter of a dispute, that is to say the level of the court that is to hear the case at first instance (Section 25 of the Law on Civil Procedure); nor can they alter any exclusive jurisdiction (Section 29 of the Law). Jurisdiction by agreement is subject to two restrictions:

a choice of jurisdiction can be exercised only in respect of contractual disputes;

the agreement determining the territorial jurisdiction must be reached at the time a contract is concluded, and the specific court which would hear a potential dispute at first instance must be indicated.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Under the Latvian legislation, courts of general jurisdiction hear both civil and criminal cases. Latvia does not have specialised courts, for instance family courts, or judges who specialise in particular legal issues, as is the case in other countries.

As explained above, the merits of a civil case are considered in a court of first instance and cannot be examined in a higher court until the case has been disposed of in the lower court. The court of first instance for civil cases is the district (city) court under the jurisdiction of which a case falls. As a general rule, all civil disputes fall within the jurisdiction of the courts, which deal with them following the ordinary court procedures.

Last update: 27/04/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Lithuania

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Article 12 of the Law on Courts (*Lietuvos Respublikos teismų įstatymas*) establishes a uniform court system comprising of courts of general jurisdiction and courts of special jurisdiction.

Courts of general jurisdiction (first instance courts, both district and regional courts) hear all civil cases involving disputes relating to or arising from civil, family, employment, intellectual property, bankruptcy, restructuring or other private relations; such courts also hear cases in extraordinary legal proceedings and decide on applications regarding the acceptance and enforcement in the Republic of Lithuania of judgments by foreign courts and arbitration courts (Article 22 of the Code of Civil Procedure (*Civilinio proceso kodeksas*).

Specialised courts, i.e. administrative courts (regional administrative courts), hear administrative cases arising from legal relations of an administrative nature.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

A claimant may file a claim to a court of his/her own choice according to the following conditions:

a claim against a defendant whose place of residence is unknown may be filed according to the location of his/her property or last known place of residence;

a claim against a defendant who does not have a place of residence in the Republic of Lithuania may be filed according to the location of his/her property or last known place of residence in the Republic of Lithuania;

a claim for the award of alimony and the determination of paternity may be filed according to the claimant’s place of residence;

a claim for compensation for damage to a person's health, including death, may be filed according to the claimant's place of residence or the place where the damage was suffered;

a claim for damage to a persons' property may be filed according to the claimant's place of residence (registered office) or the place where the damage was done;

a claim for damage resulting from unlawful conviction, unlawful application of custody measures, unlawful detention, unlawful application of procedural means of constraint or unlawful administrative punishment (arrest), including damage resulting from the unlawful actions of a judge or a court during the hearing of a civil case, may be filed according to the claimant’s place of residence;

a claim concerning an agreement/contract specifying the place of performance may also be filed according to the place of performance indicated in the agreement/contract;

a claim relating to acting in the capacity of a guardian, custodian or property administrator may also be filed according to the place of residence (registered office) of the guardian, custodian or property administrator;

a claim relating to consumer contracts may also be filed according to the consumer’s place of residence;

a claim relating to the activities of a branch of a legal entity may also be filed according to the registered office of the branch;

a claim for damages resulting from a collision of ships and enforcement of compensation for assistance and rescue at sea, including any other cases where a dispute arises from legal relations involving maritime shipping, may also be filed according to the location or port of registration of the defendant’s ship.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Civil cases are heard by district and regional courts as first instance courts (Article 25 of the Code of Civil Procedure).

According to the general rule enshrined in that Code, all civil cases are heard by district courts. There is also an exception to the general rule that certain cases fall within the jurisdiction of regional courts or the sole jurisdiction of Vilnius Regional Court.

This depends on the value of the disputed claim, whereby civil cases involving claims exceeding LTL 150.000, except for cases concerning family and employment relations and cases concerning compensation for non-material damage, are heard by regional courts.

Jurisdiction also depends on factors other than the disputed claim.

Regional courts also hear the following civil cases as first instance courts:

cases regarding legal non-property copyright relations;

cases regarding legal relations in civil public tenders;

cases regarding bankruptcy or restructuring, except for cases relating to the to the bankruptcy of natural persons;

cases where one of the parties is a foreign state;

cases based on claims regarding the compulsory sale of shares (stakes, interests);

cases based on claims regarding the investigation of a legal entity’s activities;

cases regarding compensation for material and non-material damage resulting from the violation of established patients’ rights;

9) other civil cases which are required to be heard by regional courts as first instance courts under specific laws.

Vilnius Regional Court has sole jurisdiction as the first instance court in the following civil cases:

cases regarding disputes as referred to in the Law on Patents (*Lietuvos Respublikos patentų įstatymas*);

cases regarding disputes as referred to in the Law on Trademarks (*Lietuvos Respublikos prekių ženklų įstatymas*);

cases regarding the adoption of a Lithuanian citizen residing in the Republic of Lithuania as applied for by nationals of other states;

other civil cases falling within the sole jurisdiction of Vilnius Regional Court as the first instance court under specific laws.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

A claim is filed to a court according to the defendant's place of residence. A claim against a legal entity is filed according to the registered office of the legal entity as indicated in the Register of Legal Entities. Where the defendant is the state or a municipality, the claim is filed according to the seat of the institution representing the state or the municipality.

2.2.2 Exceptions to the basic rule

A claimant is entitled to choose between several courts having jurisdiction for the case.

Parties may also agree on which court a claim should be filed with. Article 32 of the Code of Civil Procedure specifies that parties may change the territorial jurisdiction of their case by mutual agreement, but the competence of a court determined by its sole jurisdiction for or the subject matter of the case may not be changed by the parties' agreement.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

As specified in Article 30 of the Code of Civil Procedure, a claimant may choose which court is competent in the following cases:

a claim against a defendant whose place of residence is unknown may be filed according to the location of his/her property or last known place of his/her residence;

a claim against a defendant who does not have a place of residence in the Republic of Lithuania may be filed according to the location of his/her property or last known place of his/her residence in the Republic of Lithuania;

a claim relating to the activities of a branch of a legal entity may also be filed according to the registered office of the branch;

a claim for the award of alimony or determination of paternity may also be filed according to the claimant's place of residence;

a claim for compensation for damage to a person's health, including death, may be filed according to the claimant's place of residence or the place where the damage was suffered;

a claim for compensation for damage to a persons' property may be filed according to the claimant's place of residence (registered office) or the place where the damage was done;

a claim for damage resulting from unlawful conviction, unlawful application of custody measures, unlawful detention, unlawful application of procedural means of constraint or unlawful administrative punishment (arrest), including damage resulting from the unlawful actions of a judge or a court during the hearing of a civil case, may be filed according to the claimant's place of residence;

a claim for compensation for damages resulting from a collision of ships and enforcement of compensation for assistance and rescue at sea, including any other cases where a dispute arises from legal relations involving maritime shipping, may be filed according to the location or port of registration of the defendant's ship.

a claim concerning an agreement/contract specifying the place of performance may also be filed according to the place of performance of the agreement /contract;

a claim relating to acting in the capacity of a guardian, custodian or property administrator may also be filed according to the place of residence (registered office) of the guardian, custodian or property administrator;

a claim relating to consumer contracts may also be filed according to the consumer's place of residence;

In addition, a claim against a number of defendants residing or situated in different places may be filed according to the place of residence or registered office of one of the defendants, as chosen by the claimant (Article 33(1) of the Code of Civil Procedure).

A claim concerning an agreement/contract specifying the place of performance may be filed according to the place of residence or the registered office of the defendant or according to the place of performance of the agreement/contract, as chosen by the claimant. A claim relating to consumer contracts may be filed according to the place of residence or the registered office of the defendant or the consumer.

A claim concerning the award of alimony may be filed according to the place of residence or the registered office of the defendant or the claimant, as chosen by the claimant.

A civil claim concerning compensation for damage in a criminal case may be filed in order to be heard in accordance with the jurisdiction rules of the Code of Civil Procedure if the claim has not been filed or settled as part of a criminal case.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Article 31(1) and (2) of the Code of Civil Procedure provides for the following exceptions to the general rule of territorial jurisdiction that are binding on a claimant initiating legal procedures:

claims for rights in rem in immovable property, the use of immovable property, except for applications concerning the liquidation of matrimonial property in divorce cases, and cancellation of the seizure of immovable property fall within the jurisdiction of the court at the place where the immovable property or main part of the property is situated.

claims by creditors of a succession filed before the heirs have accepted an inheritance fall within the jurisdiction of the court at the place of the inheritance or the main part of the inheritance.

It should also be noted that, in accordance with Article 33(2)–(4) of the Code of Civil Procedure of the Republic of Lithuania:

A counterclaim, irrespective of where jurisdiction for it lies, must be filed at the court of the initial claim. If the value of the claim is increased, its subject matter is changed, or the filing of a counterclaim changes the court competent for the case as determined by its subject matter, the court of the initial claim must decide on all the issues relating to the claim (counterclaim) and settle the entire case on its merits.

If any of the claimant's claims are to be filed according to the rules of sole jurisdiction, the overall action must be filed in accordance with those rules.

If any of the claimant's claims fall within the jurisdiction of a regional court, the overall action must be examined by a regional court.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

The parties may change the territorial jurisdiction of a case by written mutual agreement. However, the parties may not change the competence of a court determined by its sole jurisdiction for or the subject matter of the case by such agreement (Article 32 of the Code of Civil Procedure).

Jurisdiction to hear a case may exceptionally be justified by the participation of the defendant.

A court may transfer a case to another court where a defendant whose place of residence was not known asks for the case to be transferred to the court of his/her place of residence (Article 34(2)(2) of the Code of Civil Procedure).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The specialised administrative courts operating in the Republic of Lithuania do not try civil, commercial or family-related cases. They try cases arising from legal administrative relations.

Last update: 21/10/2019

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Luxembourg

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In the Grand Duchy of Luxembourg, the ordinary court for civil and commercial matters is the district court (*tribunal d'arrondissement*). There are two judicial districts, Luxembourg and Diekirch, each of which has a district court.

The district court has jurisdiction in all civil and commercial matters for which the law does not confer jurisdiction on another court.

There are no specialised courts for commercial matters such as there are in some other countries. Commercial matters are dealt with by specialised divisions of the district court, but they follow a simplified procedure.

Specialised courts are mainly responsible for the following:

Small claims: if the claim is for less than €15 000, jurisdiction lies with the justice of the peace courts (*justices de paix*). There are three such courts in the Grand Duchy of Luxembourg, one in Luxembourg, one in Esch-sur-Alzette and one in Diekirch, each with jurisdiction for a particular territory.

Labour-law matters: the labour court (*tribunal du travail*) has jurisdiction in cases concerning contracts of employment. There are three labour courts in the Grand Duchy of Luxembourg, one in Luxembourg, one in Esch-sur-Alzette and one in Diekirch, each with jurisdiction for a particular territory. In practice, the labour court sits within the premises of the justice of the peace court.

Rental agreements: jurisdiction in disputes concerning rental agreements lies with the justice of the peace (*juge de paix*), whatever the value of the dispute. If the dispute concerns the amount of rent, it must be referred to the rent board (*commission des loyers*) for the particular municipality before being brought before the appropriate court.

Disputes between neighbours: most disputes between neighbours concern rights of way or boundary disputes and fall within the jurisdiction of a justice of the peace. However, if the case becomes more serious and damages are applied for, the decisive factor is the amount of the claim: above €15 000, jurisdiction lies with the district court.

Social-security matters: in social-security cases, jurisdiction lies with the Social Security Arbitration Board (*Conseil arbitral de la sécurité sociale*). The Board sits in Luxembourg and its jurisdiction extends throughout the country.

Problems of over-indebtedness: the justice of the peace has jurisdiction in such cases.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The justice of the peace has jurisdiction in civil and commercial matters if the claim (excluding interest and costs) is for less than €15 000. Above that, the case goes to the district court.

The district court always has jurisdiction in cases that do not have a monetary value, for instance family cases.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As a rule, the court with jurisdiction is the court in the place where the defendant lives. The purpose of this rule is to give a degree of protection to defendants, as it will be easier for them to defend themselves at the court nearest their home.

If the defendant is a natural person, therefore, the court with jurisdiction will be the court in the place where they are domiciled or resident.

Companies, associations, etc. may be sued not only in the court in the place where they have their registered office, but also in the court in a place where they have a branch or agency, provided that they have a representative there who is empowered to deal with third parties and the dispute is connected with the activities of that branch or agency.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Contracts: claimants may bring an action either in the place where the defendant lives or, depending on the nature of the contract, the place where the goods are delivered or the services are performed.

In cases of liability for a harmful act (tort) and in civil proceedings joined to a criminal prosecution, the claim may be brought before the court in the place where the defendant lives or before the court in the place where the damage was suffered or the harmful act took place.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In the following matters:

1. marriage applications for minors, marriage annulment applications, applications for marriage deferments to be lifted or renewed, applications objecting to marriages and applications for such objections to be lifted;
2. applications concerning marriage contracts and matrimonial property regimes and applications for the separation of property;
3. applications concerning the respective rights and duties of spouses and contributions to the costs of the marriage or registered partnership;
4. termination of registered partnerships;
5. applications for maintenance;
6. applications concerning the exercise of access rights, living arrangements and contribution to the support and upbringing of children;
7. applications concerning the exercise of parental responsibility, excluding applications concerning the withdrawal of parental responsibility;
8. decisions on the legal administration of the property of minors and decisions on the guardianship of minors;
9. applications to prohibit the return home of persons removed from their home under Article 1, paragraph 1, of the amended Law of 8 September 2003 on domestic violence (*loi modifiée du 8 septembre 2003 sur la violence domestique*), applications to extend such prohibitions under Article 1, paragraph 2, of the same Law, and appeals lodged against such measures;

the district court with territorial jurisdiction is, unless otherwise specifically provided:

1. the court in the place where the family home is located;
2. if the parents live separately, the court in the place of residence of the parent with whom the minor children habitually reside where parental responsibility is exercised jointly, or the court in the place of residence of the parent who exercises this responsibility alone;
3. in other cases, the court in the place of residence of the person who has not brought the proceedings.

For joint applications, the parties choose the court in the place where one or other party lives.

However, where the dispute concerns only spousal maintenance, contribution to the support and upbringing of children, contribution to the costs of the marriage, or urgent and provisional measures in the event of termination of a registered partnership, jurisdiction can lie with the court in the place of residence of the spouse or former partner receiving maintenance or parent chiefly responsible for the care of children, even where these are adults.

Territorial jurisdiction is determined by the place of residence on the date of the application or, in divorce cases, on the date when the initial petition is filed.

Legal aid applications in relation to the right of custody over children and access rights: jurisdiction lies with the court in whose district the child lives or is presumed to live.
Divorce and legal separation and their consequences: jurisdiction lies with the court in whose district the spouses have their common place of residence or, failing that, in whose district the respondent or, in the case of divorce by mutual consent, one of the spouses lives.
Succession: jurisdiction lies with the court in the place where the deceased last lived.
Rental agreements: jurisdiction lies with the court in the place where the property is located.
Labour-law cases: the court in the place of work has jurisdiction. In certain cases, however, where an employer brings an action against an employee living in another Member State, the court with jurisdiction is the court in the place where the employee lives.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Luxembourg law allows 'jurisdiction clauses' whereby the parties to a contract designate a specific court to settle their disputes.
Such clauses are particularly useful in the case of disputes between parties living in different Member States, as the court that will have jurisdiction in a given case can be decided in advance. The validity of such clauses between Member States of the European Union is governed by Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012.
Parties can also agree on which court has jurisdiction in purely domestic cases. In such cases, the parties may bring a dispute before a justice of the peace who would not normally have jurisdiction because of the amount of the claim or the rules on territorial jurisdiction. The parties' agreement may be explicit or may simply be implied by the fact that the defendant enters an appearance and starts to argue their case without previously objecting, before filing any defence, to the jurisdiction of the court hearing the case. However, parties cannot choose which district court hears their case as the rules on jurisdiction based on the amount of the claim are a matter of public policy.
A jurisdiction clause is valid only if it has actually been accepted by both parties. Evidence of this agreement must be submitted under the ordinary law rules.
The parties' freedom to choose a court is in some cases restricted by statute. For instance, the Consumer Legal Protection Law (*loi sur la protection juridique du consommateur*) provides that clauses intended to deprive consumers of their right to bring actions in the ordinary courts are null and void.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The specialised courts that exist under Luxembourg law – labour court, justice of the peace when hearing matters pertaining to rental agreements, administrative court of first instance (*tribunal administratif*), Social Security Arbitration Board – hear at first instance all cases within their jurisdiction, whatever the amount of the claim.
So, for example, although a justice of the peace normally has jurisdiction under ordinary law only in cases where the amount of the claim is less than €15 000, that limit does not apply in disputes concerning rental agreements.
Territorial jurisdiction:
The basic rule of territorial jurisdiction
Although jurisdiction in principle lies with the court in the place where the defendant lives, there are exceptions where the specialised courts are concerned. For example, the competent labour court is generally the one in the place of work rather than the place where one of the parties lives. Likewise, a dispute concerning a rental agreement must be brought before the court in the place where the rental property is situated.
This issue does not arise for the administrative court of first instance or the Social Security Arbitration Board, as they have jurisdiction throughout the Grand Duchy of Luxembourg.
Exceptions to the basic rule
The specialised courts enjoy only the jurisdiction expressly conferred on them and, as a rule, it is not possible for parties to choose a court other than the one designated by law.
Generally speaking, jurisdiction in this respect is regarded as a matter of public policy (in labour-law matters, for instance), which means that, even if the parties do not raise an objection to jurisdiction, the court must consider its lack of jurisdiction of its own motion. As explained above, an exception is made to this principle before the justice of the peace in cases where the amount of the claim exceeds his/her jurisdiction and there is explicit or tacit agreement between the parties. In this case, the justice of the peace cannot refuse to assume jurisdiction.

Related links

http://www.legilux.lu/
https://justice.public.lu/fr.html

Related documents

Organisation of justice(147 kb) (147 Kb) fr

Last update: 22/10/2021

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Hungary

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Under the Act on the Organisation and Administration of Courts, only one type of specialised court operates in Hungary: the administrative and labour courts dealing with labour and administrative matters. Matters other than labour and administrative matters are dealt with by ordinary courts.
Unless otherwise provided by law, an administrative dispute is adjudicated in an administrative court action. An administrative dispute is concerned with the lawfulness of an administrative body's act or failure to act, the purpose or effect of which is to alter the legal situation of an entity governed or affected by administrative law. Disputes relating to public service relationships and administrative contracts are also administrative disputes.
An administrative case is adjudicated at first instance by an administrative and labour court or, in the cases specified by law, a regional court (*törvényszék*) or the Curia of Hungary (*Kúria*).
The jurisdiction of administrative and labour courts covers administrative court actions and other administrative court procedures where jurisdiction is not conferred upon regional courts or the Curia of Hungary by law.
Unless otherwise provided by law, regional courts have jurisdiction over cases relating to the administrative activities of independent regulatory bodies, autonomous state administration bodies and government offices under the act on central state administration bodies, the railway administration body, the aviation authority and the Hungarian National Bank, except for cases relating to public service relationships.
Regional courts decide in procedures for the designation of administrative bodies, in court procedures relating to the exercise of the right of assembly, in actions relating to access to classified data and in legal disputes concerning statutory professional bodies.

The Curia of Hungary has jurisdiction for procedures for the assessment of conflict between a local government decree and other legislation, procedures concerning a local government's failure to comply with its obligation to legislate, and procedures for the establishment of procedural means to resolve a constitutional complaint.
Labour law actions include actions arising from legal relationships established under the Act on the Labour Code, employment in the public sector, service relationships, except as provided in law, participation in public employment schemes, labour contracts concluded under the Act on Sports, apprenticeship contracts concluded in vocational training, student internship contracts under the Act on National Higher Education, work relationships established with social cooperatives or employment cooperatives by the members of such cooperatives, and actions brought for the enforcement of other claims under labour law, as specified in the Act on the Labour Code. A labour law action remains as such even if there is a change in the person of any party due to assignment, assumption of debt, succession of employer, or change in the person of the employer. If an employee has a pecuniary claim against an insolvent employer, arising from a claim under employment law and related to the assets forming part of the insolvency estate, and it is disputed by the insolvency administrator, the employee may bring a labour law action against the employer after the commencement of the insolvency procedure.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Pursuant to the Act on the Organisation and Administration of Courts, first-instance judgments are passed by district courts (*járásbíróság*) and regional courts. Regional courts adjudicate at first instance in cases where jurisdiction is not conferred upon district courts by law. District courts have jurisdiction over the following:
(a) actions relating to property rights where the value of the property does not exceed HUF 30 million or it is not possible to determine the value of the claim based on a property right, except for
(aa) actions relating to copyright, neighbouring rights and industrial property rights,
(ab) actions brought for the payment of damages related to the exercise of official authority, and of restitution awards,
(ac) actions brought on grounds of public interest,
(ad) actions relating to the creation and lawful operation of a legal person,
(ae) disputes between legal persons and their current or former members, and disputes between current or former members, arising from their membership relations,
(b) actions relating to personal status,
(c) enforcement actions.
Regional courts adjudicate not only at first instance but also at second instance, namely in respect of appeals against decisions issued by district courts and administrative and labour courts.
Regional courts of appeal (*ítélőtábla*) decide on applications for legal remedy against decisions by regional courts, and deal with other cases falling within their jurisdiction.
The supreme court of Hungary is the Curia of Hungary. In the cases specified by legislation, the Curia decides on applications for legal remedy against decisions by regional courts and regional courts of appeal, adjudicates on applications for judicial review, decides on conflicts between local government decrees and other legislation and repeals such decrees where necessary, establishes any failure of local governments to meet their statutory obligation to legislate, and deals with other cases falling within its jurisdiction.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The court with jurisdiction over the defendant's place of residence has jurisdiction in all cases where no other court has exclusive jurisdiction.
If the defendant does not have a place of residence in Hungary, jurisdiction is governed by the defendant's place of stay in Hungary. If the defendant's place of stay is unknown or is abroad, his or her last place of residence in Hungary will be taken into account. If this cannot be determined or if the defendant did not have one, jurisdiction will be established on the basis of the plaintiff's place of residence in Hungary or, failing this, his or her place of stay in Hungary. If the plaintiff is not a natural person, jurisdiction will be determined by reference to its seat in Hungary.
If the defendant's place of work is not the same as his or her place of residence, the court will, at the request of the defendant submitted as part of his or her written statement of defence at the latest, transfer the case for hearing and adjudication to the court with jurisdiction over the place of work.
If an action is brought against a person that is not a natural person, general jurisdiction depends not only on the seat of that person but also on the place of operation of the body or organisational unit entitled to represent it and acting in the legal dispute. In case of doubt, the place of business must be regarded as the seat. If the seat of a non-natural person is in Budapest but its operations extend to the territory of Pest County, the court that has jurisdiction over Pest County will deal with the case.
If a non-natural person does not have a seat in Hungary, jurisdiction with respect to actions brought by a Hungarian plaintiff that is not a natural person will be determined by reference to the plaintiff's seat or place of operation. If the plaintiff is a Hungarian natural person, jurisdiction will be established either at the place of residence of the plaintiff or, failing that, his or her place of stay.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

In the absence of a court with exclusive jurisdiction, the plaintiff may choose to bring an action before a court other than the one having general jurisdiction in respect of the defendant. More specifically, an action for imposing a maintenance obligation prescribed by law may be brought before the court having jurisdiction over the claimant's place of residence; an action related to the ownership or possession of immovable property, or to a right in rem in immovable property, may be brought before the court having jurisdiction over the place where the immovable property is located; an action for enforcing a contractual claim may be brought before the court having jurisdiction over the place where the transaction was concluded or where the service is to be delivered; an action for enforcing a consumer's contractual claim against an undertaking may be brought before the court having jurisdiction over the plaintiff's place of residence in Hungary or, failing this, his or her place of stay in Hungary; and an action in respect of non-contractual liability may be brought before the court having jurisdiction over the geographical location where the damage was caused or occurred.
If there is no court with exclusive jurisdiction in a property dispute, jurisdiction also lies with the court in whose area of jurisdiction the defendant is staying for a foreseeably long period (e.g. as an employee or student). Jurisdiction cannot be established on these grounds in the case of defendants who do not have the capacity to act in a lawsuit.
A property-related legal action against a foreign person that is not a natural person may also be brought before the court having jurisdiction over the place of residence of the person entrusted with managing the affairs of the foreign non-natural person. The court competent for the seat of the Hungarian branch or commercial agency of the foreign non-natural person also has jurisdiction for such property disputes.

Joint action may be brought against a secondary obligor and a principal obligor before the court having jurisdiction on any grounds for the action against the principal obligor.
Jurisdiction for an action brought for placement under guardianship also lies with the court in whose area of jurisdiction the defendant has accommodation in a residential social institution or receives in-patient care over a long period of time, or habitually resides.
In matrimonial matters, the court of the last common habitual residence of the spouses also has jurisdiction.
Actions brought for the establishment of parentage, settling the exercise of parental custody, the placement of a child with a third party, the termination of parental custody, the termination of adoption or the maintenance of a minor child may also be initiated at the court with jurisdiction over the place of residence or place of stay of the minor child involved.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

When legislation provides that a specific court shall have exclusive jurisdiction in the case. This applies, for example, in the cases below.
Unless otherwise provided by law, a binding legal act of the European Union or an international convention, the court of the defendant's place of residence in Hungary has exclusive jurisdiction for actions brought by an undertaking against a consumer for the enforcement of a claim arising from a contractual relationship. If the defendant does not have a place of residence in Hungary, exclusive jurisdiction is governed by the defendant's place of stay in Hungary. If the defendant's place of stay is unknown or is abroad, his or her last place of residence in Hungary will be the reference criterion. If this cannot be determined, jurisdiction must be established according to the general rules.
If an injured person may, pursuant to a legal provision related to liability insurance contracts, also claim damages or restitution from a third party other than the person that caused the damage, the action brought against the third party falls within the exclusive jurisdiction of the court of the plaintiff's place of residence in Hungary, unless otherwise provided by law, a binding legal act of the European Union or an international convention. If the plaintiff does not have a place of residence in Hungary, the court of the plaintiff's place of stay in Hungary will exercise exclusive jurisdiction. If the plaintiff is not a natural person, the court with exclusive jurisdiction will be determined by reference to its seat in Hungary. If the plaintiff does not have a place of residence, a place of stay or a seat in Hungary, jurisdiction must be established according to the general rules.
An action brought for the termination or restriction of enforcement falls within the exclusive jurisdiction of the district court which ordered the enforcement. If the enforcement was not ordered by a district court, jurisdiction lies with the district court of the place of residence of the debtor.
A replevin action (for the release of property wrongfully seized) falls within the exclusive jurisdiction of the district court in whose area of jurisdiction the seizure took place.
An action for permission to participate in an enforcement procedure falls within the exclusive jurisdiction of the court which dismissed the request of the pledgee in the judicial enforcement procedure.
An action brought to change the decision of a local government clerk on a possessory matter falls within the exclusive jurisdiction of the court of the seat of the local government clerk adopting the possessory decision.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

In matters relating to property, the parties may attribute jurisdiction to a particular court to settle their current dispute or any future dispute which may arise from a particular legal relationship, unless the law provides otherwise. A choice-of-court agreement may be made in writing, orally with written confirmation, in a form consonant with the business practices developed between the parties, or, in the case of international trade, in a form consonant with the customary trade practices that are known or should be known to the parties and that are generally known and regularly used in the given field by parties entering into an agreement of this nature.
In cases where legislation provides for the exclusive jurisdiction of a particular court, jurisdiction may not be attributed to another court. The chosen court has exclusive jurisdiction unless otherwise provided by law or agreed by the parties. A choice-of-court agreement applies to legal successors. The choice of jurisdiction may not be such as to prevent consumers from enforcing contractual claims against an undertaking before the court of the consumer's place of residence in Hungary or, failing this, the consumer's place of stay in Hungary.
In matters relating to property, the parties may not attribute jurisdiction for their legal disputes or any future dispute arising from a particular legal relationship to the Budapest-Capital Regional Court or to the Budapest Environs Regional Court in cases where regional courts have jurisdiction, or to the Pest Central District Court in cases where district courts have jurisdiction.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Administrative and labour courts are the only specialised courts in Hungary.
Labour law actions are basically governed by the general rules of jurisdiction described in point 2.2.1. An employee bringing action may choose between the court having general jurisdiction over the defendant and the administrative and labour court having jurisdiction over the employee's own place of residence or, failing this, place of stay in Hungary, or the administrative and labour court having jurisdiction over the place where the employee worked or has been working for a long period of time. If a co-litigant or claim falls within the jurisdiction of a court having jurisdiction for labour law actions, while another co-litigant or claim falls within the jurisdiction of a district court or regional court, the action will fall within the jurisdiction of the labour court, provided that legislation permits the joinder of parties or the joinder of claims.
Administrative actions must be brought before the court in whose area of jurisdiction the administrative activity subject to the dispute was performed, unless the exclusive jurisdiction of another court is established by law. If the administrative act under dispute was performed in procedures of more than one instance, the case falls within the territorial jurisdiction of the court of the place where the administrative act was performed at first instance.
In the case of rights, obligations and legal relationships related to immovable property, the place of performance of the administrative activity is the place where the immovable property is located. In the case of the notification or authorisation of an activity, it is the place where the activity is pursued or intended to be pursued. Except in the aforementioned two cases, the place of performance of the administrative activity of a regional state administration body with national jurisdiction is the plaintiff's place of residence or place of stay or, for legal persons and entities without legal personality, the seat of the entity or, failing this, the seat of the administrative body. Pest County is the place of performance of administrative activities performed at the seat of a state administration body which has its seat in Budapest but whose jurisdiction primarily covers Pest county or a part of it. In cases of failure to act, the place of the performance of the administrative activity is the seat of the administrative body, except in the first three cases specified above.
Certain administrative and labour courts have territorial jurisdiction for a specified region. These are the Budapest-Capital Administrative and Labour Court, the Budapest Environs Administrative and Labour Court, the Administrative and Labour Court of Debrecen, the Administrative and Labour Court of Győr, the Administrative and Labour Court of Miskolc, the Administrative and Labour Court of Pécs, the Administrative and Labour Court of Szeged, the Administrative and Labour Court of Veszprém.
Jurisdiction for actions relating to social security, social or child protection benefits and benefits or support provided by the state employment service lies with the administrative and labour court with jurisdiction over the plaintiff's place of residence or, if the plaintiff is a legal person or an entity without legal personality, the plaintiff's seat or, failing this, the seat of the administrative body.

Actions relating to administrative contracts must be brought before the regional court in whose area of jurisdiction the contract was concluded. The court having jurisdiction on any grounds over the principal obligor will have jurisdiction over the claim against the secondary obligor.
If the administrative activity was performed abroad, the action falls within the exclusive jurisdiction of the Budapest-Capital Administrative and Labour Court.
Unless otherwise provided by law, parties to an administrative contract may adopt an individually negotiated choice-of-court clause, in which they attribute jurisdiction over any future legal dispute arising between them in connection with the administrative contract to an administrative and labour court with territorial jurisdiction for a specified region. Unless otherwise provided by law or agreed by the parties, the chosen court will have exclusive jurisdiction for all actions relating to the administrative contract. The choice-of-court agreement will also apply to legal successors.
In cases where legislation provides for the exclusive jurisdiction of a particular court, jurisdiction may not be attributed to another court.
The parties may not attribute jurisdiction for their future disputes arising from the administrative contract to the Budapest-Capital Administrative and Labour Court.
Actions relating to public service relationships must be brought before the court with territorial jurisdiction for the place where the work was performed. If the plaintiff is a natural person, the action may also be brought before the court having jurisdiction over the plaintiff's place of residence.
The Budapest-Capital Regional Court has exclusive jurisdiction for appeals against the decisions of administrative and labour courts and for actions falling within the jurisdiction of regional courts.

Last update: 15/01/2024

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Malta

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The choice of court or tribunal depends on the nature of your case. The absolute majority of civil and commercial cases fall under the jurisdiction of ordinary civil courts, since there is no commercial court. There are a few specialised tribunals, including:
The Industrial Tribunal (Tribunal Industrijali) – hears cases related to unfair dismissal and discriminatory treatment or unlawful treatment at the work place.
The Rent Regulation Board (Bord tal-Kera) – hears cases related to changes in lease conditions including rent increases and termination of leases. These cases must be related to a lease agreement concluded before the 1 June 1995.
The Land Arbitration Board (Bord tal-Arbitraġġ dwar Artijiet) – hears cases dealing with the classification of expropriated land and the amount of compensation due to the owner.
All these Tribunals hold their sessions in Valletta in the same building where the ordinary courts are located.
See also the reply to question number 4 of the section "Bringing a case to court".

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

To determine in which court you must file your case, it is important that you consult Cap 12 of the Laws of Malta called the Code of Organization and Civil Procedure.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Yes, a distinction is made between the Superior Courts and the Inferior Courts. The distinction is that Inferior Courts can hear and decide cases of a purely civil nature regarding all claims up to an amount of €15,000. The Superior Courts, on the other hand, hear and decide cases of a purely civil nature regarding all claims that exceed the amount of €15,000, and any case (independently from the value of the claim) dealing with immovable property or related to easements, burdens or other rights annexed to immovable property, including any claim for the ejectment or eviction from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode there. See also the reply to answer number 4 of the section "Bringing a case to court".

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

The basic rule of territorial jurisdiction is the place where the defendant resides. In Malta jurisdiction is divided between Malta and Gozo. There are no courts related to different cities. For persons residing or having their residence in Malta, the case must be filed in a court in Malta. Conversely, for persons residing or who have their ordinary residence in the Island of Gozo, the case must be filed in Gozo.

2.2.1 The basic rule of territorial jurisdiction

See the reply to question number 2.2.

2.2.2 Exceptions to the basic rule

An exception to the basic rule is when the obligation is to be performed in a particular island. For instance, if the defendant lives in Gozo but the obligation subject to the claim is to be performed in Malta, Maltese Courts have jurisdiction and all cases must be filed in Maltese Courts in spite of the fact that the defendant lives in Gozo.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The rules of territorial jurisdiction according to Maltese law do not provide for the choice of court between parties.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

This has to be done when the obligation is to be performed in a particular island.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

There are no legal provisions regarding this issue. According to Maltese law, parties cannot choose to attribute jurisdiction to a court that would not be competent otherwise, even if the parties agree. The lack of competence of the Court may be raised by the court itself because it is a point/rule of public order.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The website https://judiciary.mt/il-qrati/ gives certain information about the court in which you should file your case. Furthermore, you can access the website https://legislation.mt/ and there you may access Maltese laws and discover where to file the case. Advice should be sought from the lawyer or legal procurator who signs the acts. In regard to specialised Tribunals, their jurisdiction and competence are explained in the laws setting them up.

Links relatati

http://www.justice.gov.mt English

Last update: 06/03/2017

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the

European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Netherlands

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

There are no specialised courts, such as a commercial court or labour tribunal, under Dutch civil procedural law. The district court in principle has jurisdiction in all civil proceedings.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The courts at first instance examine all civil matters, with the exception of cases specified by law. The civil court deals with cases between two parties (individuals or legal entities). The civil court does not have jurisdiction in disputes for which the administrative court has been designated as having jurisdiction. This refers to disputes with the administration (the public authorities). The Dutch judicial system provides for three types of courts of law in the field of private law: district courts (*rechtbanken*), courts of appeal (*gerechtshoven*) and the Supreme Court of the Netherlands (*Hoge Raad Nederlanden*).
Since 1 April 2013, the Netherlands has been divided into ten judicial districts, each with its own court: eleven courts with jurisdiction in four areas. In addition, there are four courts of appeal and one Supreme Court of the Netherlands.
Organisational units, known as 'sectors', have been established within the district courts. These are the sub-district, administrative law, civil law and criminal law sectors. The court has single judge and full bench divisions. A single judge division consists of one judge; a full bench division consists of three judges. The basic principle is that sub-district court cases, straightforward cases and urgent cases are heard by a single judge. Many family cases too are dealt with by a single judge. An example of a single judge division is the juvenile court for certain matters concerning children. Legally complex cases are heard by a full bench division.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

A court case usually starts at the district court. There are four types of district courts:
Civil law (citizen versus citizen)
Administrative law (citizen versus public authority)
Criminal law (violations and criminal offences)
Sub-district sector

Appeal courts

Anyone who does not agree with a court judgment can appeal. Criminal cases and civil cases are brought before one of the four courts of appeal. In administrative cases, the appeal, depending on the subject, may be heard by:
Courts of appeal (*gerechtshoven*)
Court of last instance in social security matters (*Centrale Raad van Beroep*)
Administrative court of last instance in matters of trade and industry (*College van Beroep voor het Bedrijfsleven*)
Council of State (Administrative Jurisdiction Division) (*Raad van State* (*afdeling bestuursrechtspraak*))

Supreme Court

The Supreme Court of the Netherlands is the supreme judicial body in the Netherlands in the fields of civil, criminal and tax law. The Supreme Court can set aside judgments notably of courts of appeal (this is known as cassation). The Supreme Court is also responsible for preserving legal unity and for steering the development of Dutch law.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

In the Netherlands, there are district courts (*arrondissementsrechtbanken*) at first instance. An appeal can be lodged with the court of appeal against the ruling of the court at first instance. In addition, 'relative jurisdiction' is important as regards the question of which of the ten district courts has jurisdiction: for example, the District Court of Amsterdam or the District Court of Leeuwarden - the geographical jurisdiction of the court where your case is heard.
For international cases, i.e. cases of a cross-border nature, once it has been established that the Dutch court has jurisdiction, the local jurisdiction is determined by Dutch law, unless the rule establishing the international jurisdiction also designates the court with local jurisdiction, as laid down in Article 5(1) or (3) of Brussels I (Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters).

2.2.1 The basic rule of territorial jurisdiction

The basic rule in proceedings initiated by writ of summons at first instance is that the court of the place of residence of the defendant has jurisdiction (Article 99 of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*)). If no place of residence is known in the Netherlands, the court of the place where the defendant is actually staying (in the Netherlands) has jurisdiction.
The courthouse within a judicial district where a sub-district case is to be heard can be determined on the basis of the Annex to the Subsidiary Places of Session (Courts) Decree (*Besluit nevenvestigings- en nevenzittingsplaatsen*) of 10 December 2001 (http://www.overheid.nl).
The rules for local jurisdiction of the district courts apply *mutatis mutandis*.
The basic rule in proceedings initiated by application at first instance is that the court for the place of residence of the applicant (or of one of the applicants or of one of the interested parties named in the application) has jurisdiction (Article 262 of the Code of Civil Procedure). If no place of residence is known in the Netherlands, the court for the place where the applicant is actually staying (in the Netherlands) has jurisdiction. If the application is combined with proceedings initiated by writ of summons, the court examining the latter also has jurisdiction.

2.2.2 Exceptions to the basic rule

The rules set out in points 2.2.2.1, 2.2.2.2 and 2.2.2.3 below refer primarily to proceedings initiated by writ of summons.
In proceedings initiated by application, where in general the court of the applicant has jurisdiction, different rules apply for applications for the modification of maintenance.
An application for the modification of partner maintenance must be made by the claimant to the court for the place of residence of the maintenance debtor. A maintenance debtor wishing to file an application for modification must apply to the district court for the place of residence of the maintenance creditor.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

With respect to proceedings initiated by writ of summons, Dutch procedural law includes a number of provisions in which a court is designated as having jurisdiction alongside the competent court designated under the basic rule (court for the place of residence or of actual stay of the defendant). It is an alternative jurisdiction. The claimant has a choice between the court of the basic rule and that of the alternative rule. The alternative is expressed below by the use of the word 'also'.
In cases initiated by a writ of summons, the following rules are relevant:
Employment/agency cases

In employment/agency cases, the court for the place where the work is usually carried out also has jurisdiction (Article 100 of the Code of Civil Procedure).
Consumer cases
In consumer cases, the court for the place of residence, or, in its absence, the court for the place where the consumer is actually staying, also has jurisdiction (Article 101 of the Code of Civil Procedure).
Tort, delict or quasi-delict
In matters relating to tort, delict or quasi-delict, the court for the place where the harmful event occurred also has jurisdiction (Article 102 of the Code of Civil Procedure).
Immovable property
In matters relating to immovable property, the court within the jurisdiction of which the property, or most of it, is situated also has jurisdiction (Article 103 of the Code of Civil Procedure). In matters relating to renting of housing or renting of business premises, the sub-district court within the jurisdiction of which the rented property, or most of it, is situated has exclusive jurisdiction.
Inheritances
In matters relating to inheritances, the court for the last place of residence of the deceased also has jurisdiction (Article 104 of the Code of Civil Procedure).
Legal entities
In matters relating to legal entities (for example, matters relating to the dissolution of legal entities, the nullity or validity of decisions of legal entities, the rights and obligations of members or partners), the court for the place of residence or the place of establishment of the legal entity or company also has jurisdiction.
Bankruptcy, suspension of payment and debt rescheduling
In matters relating to the application of the legal provisions concerning bankruptcy, suspension of payment and debt rescheduling of natural persons, the court to which the supervisory judge is attached, or if no supervisory judge has been appointed, the court which has pronounced the suspension of payment, also has jurisdiction (Article 106 of the Code of Civil Procedure). The Bankruptcy Act (*Faillissementswet*) also contains special rules concerning jurisdiction and these take precedence over the jurisdiction rules based on the Code of Civil Procedure.
Choice of court
In the contract between them, parties sometimes designate a different court than the court which has jurisdiction according to the statutory provisions (Article 108(1) of the Code of Civil Procedure). There are exceptions to this freedom of choice (Article 108(2) of the Code of Civil Procedure), in relation to consumer matters, rental matters and employment contracts. In such cases, the court examines whether there is a valid choice of court clause (Article 110 of the Code of Civil Procedure).
Residence of the claimant
If, under the aforementioned provisions concerning local jurisdiction, no court with jurisdiction can be designated in the Netherlands, Article 109 of the Code of Civil Procedure provides that, by way of exception, the court of the residence of the claimant can have jurisdiction. This situation may arise if an employee wishes to summon the foreign employer before the court in the Netherlands, whereas the work is not confined to a specific place but is carried out all over the country. If a court with jurisdiction cannot be found in this manner either, the case is brought before the District Court of The Hague.
The following is also pointed out with regard to divorce:
The local jurisdiction of the divorce court is regulated in Article 262 of the Code of Civil Procedure. The basic rule is: the court for the place of residence of the applicant (or of one of the applicants or of one of the interested parties named in the application) has jurisdiction, and if this person has no known place of residence in the Netherlands, the court for the place where this person is actually staying (in the Netherlands).

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Dutch procedural law contains a few special rules concerning local jurisdiction which depart from the basic rule. The special rule must be applied. In the special cases described below, a court other than that for the place of residence of the defendant must be chosen.
Minors
In matters relating to minors, the court for the place of residence, or in the absence of a place of residence in the Netherlands, for the place where the minor is actually staying, has jurisdiction (Article 265 of the Code of Civil Procedure).
This is not an alternative, but a special rule which replaces the basic rule. It is not the court for the place of residence or stay of the applicant which has jurisdiction (basic rule for proceedings initiated by application), but the court for the place of residence, or in the absence of a place of residence in the Netherlands, for the place where the minor is actually staying. If this rule does not lead to a specific court, the District Court of The Hague has jurisdiction.
Civil status
In matters relating to supplementation, registration, cancellation or modification of civil status registers or of certificates to be registered or already registered in them, the court within the jurisdiction of which the certificate has been or is to be registered has jurisdiction (Article 263 of the Code of Civil Procedure). In such matters relating to certificates to be registered or already registered in the civil status registers of the municipality of The Hague, in accordance with Book 1 of the Civil Code (*Burgerlijk Wetboek*), the District Court of The Hague has jurisdiction.
Renting of built immovable property
In matters relating to the renting of built immovable property or part thereof, the court within the jurisdiction of which the rented property is situated has jurisdiction (Article 264 of the Code of Civil Procedure).
Guardianship of an adult, fiduciary administration of property, mentorship
In matters relating to guardianship of an adult, fiduciary administration of property *on behalf of adults* and mentorship, the court for the place of residence, or in the absence of a place of residence in the Netherlands, for the place where the person whose guardianship or property or mentorship is concerned is actually staying, has jurisdiction (Article 266 of the Code of Civil Procedure).
Absent or missing persons; confirmation of death (Article 267 of the Code of Civil Procedure)
In matters relating to inheritances, the court for the last place of residence of the deceased has jurisdiction (Article 268(1) of the Code of Civil Procedure).
In matters relating to absent or missing persons, the court for the place of residence left by the absent or missing person has jurisdiction. With regard to confirmation of death, the District Court of The Hague has jurisdiction (Article 269 of the Code of Civil Procedure). Article 269 of the Code of Civil Procedure therefore serves as a safety net.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Under Article 108 of the Code of Civil Procedure, the parties may make a choice of court in writing. A choice of court is possible only in relation to legal relationships which can be freely determined by the parties. Therefore in cases involving public order, the choice of court is not possible. Examples include certain matters of family law and cases of bankruptcy and suspension of payment. In sub-district court cases, the choice of court is limited. For instance, choice of court is not possible for claims up to EUR 25 000 (irrespective of the nature of the claim).
In principle, the court with jurisdiction on the basis of a choice of court has exclusive jurisdiction. The parties can expressly agree to preclude exclusive jurisdiction.

In matters of divorce (divorce, legal separation, dissolution of registered partnership, dissolution of marriage following legal separation), the special rule provided for in Article 270(2) of the Code of Civil Procedure applies. According to this article, the court without local jurisdiction refers the case in general to the court which does have local jurisdiction. According to Article 270(2) of the Code of Civil Procedure, this occurs in divorce cases only if the defendant (the spouse against whom the proceedings are brought) contests the jurisdiction of the court. Tacit choice of court is possible if all interested parties summoned appear and do not invoke lack of jurisdiction, or if the other spouse fails to appear.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

There are no specialised courts under Dutch procedural law.

Last update: 09/02/2022

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Austria

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In civil cases, jurisdiction is at first instance exercised as a rule by District Courts (Bezirksgerichte) and Regional Courts (Landesgerichte). Outside Vienna, District Courts and Regional Courts also hear commercial cases. In addition, Regional Courts hear cases involving labour and social security law. Only Vienna has a separate District Court for Commercial Matters (Bezirksgericht fûr Handelssachen), a separate Commercial Court (Handelsgericht) and a separate Labour and Social Court (Arbeits- und Sozialgericht).

The factsheet on ‘Judicial systems’ shows how subject-matter jurisdiction is divided between the District and Regional Courts, and between the courts hearing cases involving commercial matters and labour and social security law.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Jurisdiction is in principle divided between the courts on the basis of the type of lawsuit (subject-matter jurisdiction) and, for all matters not assigned in this way to District or Regional Courts, depends on the amount in dispute. The nature of the case always takes precedence over the value criterion.

District Courts have jurisdiction based on the type of lawsuit, for example in most family law or lease disputes. Regional Courts have jurisdiction based on the type of lawsuit for example in disputes under the Atomic Liability Act (Atomhaftpflichtgesetz), the Public Liability Act (Amtshaftungsgesetz), the Data Protection Act (Datenschutzgesetz) and competition and copyright law. District Courts have jurisdiction in cases where the amount in dispute is up to EUR 15 000, Regional Courts have jurisdiction in cases where the amount in dispute is above EUR 15 000.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

Everyone has an ordinary place of jurisdiction (allgemeiner Gerichtsstand) based on their personal connection with a court district. As a rule, lawsuits are filed in the defendant’s ordinary place of jurisdiction. The ordinary place of jurisdiction of a private individual usually depends on the place of their legal address (Wohnsitz) or habitual residence (gewöhnlicher Aufenthalt); a person may have more than one ordinary place of jurisdiction. The ordinary place of jurisdiction of a legal entity usually depends on the location of its registered office.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

In some cases, lawsuits may be filed either in the defendant’s ordinary place of jurisdiction or at another court of choice or ‘elective venue’ (Wahlgerichtsstand). For civil proceedings alone, the Austrian law on jurisdiction recognises more than twenty different elective venues for dealing with contractual and non-contractual obligations in different situations and various claims under property law, and other elective venues of a procedural kind. For example, it could be the court of the place of performance or of the place stated on an invoice, the court of the place where the subject matter of the dispute is located (forum rei sitae), the court of the place where the harm was caused, or the court at which a counterclaim is filed. Venue rules can differ considerably from those under European law or the national law of other Member States.

For example, Austrian law provides for the following places of jurisdiction for the following claims:

For claims arising from contracts (other than employment contracts): lawsuits to determine whether a contract exists, lawsuits seeking performance or cancellation of a contract and claims for damages for non-performance or improper performance of a contract may be filed with the court of the place where under the terms of the agreement between the parties the defendant is to perform the contract . The agreement must be proved by documentary evidence.

For maintenance claims: see the factsheet on ‘Maintenance claims – Austria’.

For claims for damages: disputes seeking compensation for damages for death or injury to one or more persons, for false imprisonment or for damage to tangible property may also be brought before the court in whose district the conduct that caused the damage took place. In addition, a claim for damages as a result of a criminal offence may also be filed alongside the criminal proceedings against the offender.

For divorce petitions: see the factsheet on ‘Divorce – Austria’.

For custody petitions: see the factsheet on ‘Parental responsibility – Austria’.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In some cases there is a particular place of jurisdiction in which the lawsuit must be filed, which excludes both the ordinary place of jurisdiction and any elective venues. Such a place is termed an ‘exclusive place of jurisdiction’ (ausschließlicher Gerichtsstand). An exclusive place of jurisdiction which cannot be changed, even by agreement between the parties, is a ‘compulsory place of jurisdiction’ (Zwangsgerichtsstand). A compulsory place of jurisdiction must be provided for in a specific rule. Exclusive places of jurisdiction exists mainly (but not only) in matrimonial and family law. Examples of exclusive places of jurisdiction are the places of jurisdiction for disputes between spouses or registered partners or disputes in matters of inheritance. Examples of compulsory places of jurisdiction are the places of jurisdiction for disputes arising from bonds or from the affairs of an association. Venue rules can differ considerably from those under European law or the national law of other Member States.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Unless there is a compulsory place of jurisdiction (see point 2.2.2.2 above), the parties may expressly agree to submit disputes to one or more courts of first instance in named places, or to exclude courts that would otherwise have jurisdiction. The agreement must refer either to a particular dispute or to disputes arising from a particular dispute or legal relationship. There are no requirements as to the form of jurisdiction agreements; however, it must be possible to prove the agreement with documentary evidence if it is disputed during the course of the proceedings.

This enables the parties to change the legal jurisdiction (based on subject matter or place) which would otherwise apply. Such agreements may be made before proceedings commence or at the start of proceedings. Where a court of first instance would have jurisdiction on the basis of the amount in dispute, a transfer of the subject-matter jurisdiction may be agreed from the court of first instance to the District Court, as well as between the ordinary jurisdiction and the commercial jurisdiction.

Territorial jurisdiction can be changed, unless this is expressly ruled out. There is a compulsory place of jurisdiction if a law states that jurisdiction cannot be changed. For instance, territorial jurisdiction cannot be changed or can be changed only to a limited extent where jurisdiction is determined under Section 14 of the Consumer Protection Act (KSchG), Section 83a or Section 83b of the Rules on Jurisdiction (JN), Section 532 of the Code of Civil Procedure (ZPO), Section 9 of the Labour and Social Courts Act (ASGG), Section 51 of the Income Compensation Regulations (EO) or Section 253 of the Bankruptcy Code (IO).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Only Vienna has specialist civil courts for commercial cases, namely the District Court for Commercial Matters and the Vienna Commercial Court , and a specialist civil court for cases involving labour and social security, namely the Vienna Labour and Social Court . In all other districts, commercial cases and cases involving labour and social security law are heard by the ordinary courts. Territorial jurisdiction in commercial cases and cases involving labour and social security law is generally regulated by the ordinary rules of civil procedure.

Last update: 05/06/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Poland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In Poland, civil cases are dealt with by ordinary courts (*sądy powszechne*) and the Supreme Court (*Sąd Najwyższy*) (see: Judicial systems in Member States - Poland), unless they fall within the competence of specialised courts.

Provisions concerning court jurisdiction are laid down in the Code of Civil Procedure (CCP, *Kodeks Postępowania Cywilnego*), in Articles 16-18 and Articles 27-46.

In district courts (*sądy rejonowe*), civil law cases are examined by the following divisions:

Civil;

Family and Juvenile (family courts, *sądy rodzinne*) – for family and guardianship cases; cases concerning moral corruption of minors and punishable acts committed by them; cases concerning the treatment of persons addicted to alcohol, drugs or psychotropic substances; as well as cases which, in accordance with other legislation, fall within the competence of a guardianship court;

Labour and Social Security (labour courts, *sądy pracy*) – for labour law and social security cases;

Commercial (commercial courts, *sądy gospodarcze*) for commercial law and civil law cases between business entities, concerning their business activities; cases concerning company or partnership relationships; cases against members of management boards of companies, cases concerning claims arising from false declarations submitted by members of management boards to the National Court Register; cases against business entities, requesting an order requiring them to cease environmental damage or compensate for the damage resulting therefrom, and to prohibit or restrict activities that pose a threat to the environment; cases concerning construction works contracts and contracts closely linked to the construction process for the execution of construction works; cases concerning leasing contracts; cases against persons liable, whether in the alternative or jointly or severally, for the business entity's debt by operation of law or legal act; cases between the bodies of state-owned enterprises; cases between a state-owned enterprise or its governing bodies and its constituent or supervisory body; cases concerning bankruptcy and restructuring; cases for incorporation of an enforceability clause in an enforceable title which is a final or immediately enforceable commercial court decision or a settlement concluded before that court; cases for revocation of an enforceability clause from an enforceable title which is a final or immediately enforceable commercial court decision or a settlement concluded before that court; and bankruptcy cases;

Land Registry – for keeping land registers and dealing with other civil matters related to land registry proceedings.

Regional courts (*sądy okręgowe*) in Poland have corresponding divisions, except for land registry divisions and family and juvenile divisions. Regional courts in Poland have civil family divisions competent to hear, in particular, cases for divorce, legal separation and termination of legal separation, for the annulment of marriage, for establishing the existence or non-existence of marriage, or for declaring the enforceability of judgments of foreign courts in family cases.

The Regional Court in Warsaw has the following additional division:

Competition and Consumer Protection Court (*Sąd Ochrony Konkurencji i Konsumentów*), whose scope of operation includes hearing cases concerning prevention of monopolistic practices and energy regulatory cases.

In addition, regional courts in: **Gdańsk, Katowice, Lublin, Poznań and Warsaw** have intellectual property divisions, which hear cases concerning the protection of intellectual property (including, at the Regional Court in Warsaw, cases concerning the protection of EU trade marks and Community designs, cases concerning infringement, threats, non-infringement of industrial designs and trade marks, cases concerning the invalidity of Community designs, cases concerning the expiry and invalidation of trade marks, and cases concerning the effects of trade mark infringement.

Additionally, on 1 January 2010 the District Court in Lublin (currently: the **Lublin-Zachód [Lublin West] District Court**) was designated as the competent court for hearing cases falling within the jurisdiction of other district courts in an electronic procedure by writ of payment.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

As a general rule, district courts have jurisdiction in civil cases at first instance. **District courts** (*sądy rejonowe*) have jurisdiction in all cases except for cases reserved by law (Articles 16 and 507 of the CCP) for regional courts.

Regional courts (*sądy okręgowe*) have first instance jurisdiction over the cases listed in Article 17 of the CCP, namely:

(1) for non-property rights and property claims pursued together with those rights, except for cases for establishing or disputing a child's parentage, cases for annulling an acknowledgment of paternity and for dissolving adoption;

(2) for the protection of copyright and related rights, as well as cases concerning inventions, utility models, industrial designs, trade marks, geographical indications and integrated circuits topographies, and cases for the protection of other intangible property rights;

(3) for claims under the Press Law;

(4) for property rights where the value of the subject of the dispute exceeds one-hundred thousand zlotys, except for maintenance cases, cases for infringement of possession, cases for establishing the separation of property of spouses, and cases examined in an electronic procedure by writ of payment;

(5) for issuing a judgment in lieu of a resolution to divide a co-operative;
(6) for repealing, annulling or establishing the non-existence of resolutions of governing bodies of legal entities or organisational units which are not legal persons but which have been granted legal personality by law;
(7) for preventing and combatting unfair competition;
(8) for compensation on account of damage caused by issuing an unlawful final judgment;
(9) for claims arising from infringements of rights conferred by personal data protection rules.
Furthermore, the jurisdiction of **regional courts** covers for example:
(1) incapacitation cases;
(2) cases for resolving disputes concerning the operation of state-owned enterprises: between the enterprise's board and the enterprise's director, the enterprise's governing bodies and its founding bodies, and between its governing bodies and the body exercising supervision over the enterprise;
(3) for recognising judgments of foreign courts and declaring them enforceable (Article 11481 and Article 11511 of the CCP).
In cases concerning property rights, the claimant is obliged to specify the value of the subject of the dispute in the statement of claim, unless the subject of the dispute is a specified amount of money.
In cases concerning monetary claims, even if raised as an alternative to another claim, the specified amount of money constitutes the value of the subject of the dispute.
In other property cases, the claimant is obliged to specify the value of the subject of the dispute by indicating the amount of money in the statement of claim, in compliance with Articles 20-24 of the CCP.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

See paragraph 2.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

The Polish Code of Civil Procedure distinguishes among the following types of court jurisdiction: general (Articles 27-30), alternative (Articles 31-37) and exclusive (Articles 38-42). Additional matters relating to territorial jurisdiction are governed by special provisions (Articles 43-46 of the CCP).
Territorial jurisdiction has been described in detail in paragraphs 2.2.1 to 2.2.3.

2.2.1 The basic rule of territorial jurisdiction

General territorial jurisdiction

Actions must be brought before the court of first instance with territorial jurisdiction over the defendant's domicile (Article 27 of the CCP).
In accordance with Article 25 of the Civil Code, the domicile of a natural person is the town/city in which this person stays with the intention to stay on a permanent basis. If the defendant is not resident in Poland, general jurisdiction is determined according to his or her place of stay, and where that place is unknown or is outside Poland, actions must be filed according to the defendant's last domicile in Poland.
Actions against the State Treasury must be filed in the court with jurisdiction over the registered office of the organisational unit which the dispute concerns. Where the State Treasury is represented by the General Counsel to the Republic of Poland (*Prokuratoria Generalna Rzeczypospolitej Polskiej*), actions must be filed in the court with jurisdiction over the registered office of the Counsel branch responsible for the organisational unit which the claim concerns.
Actions against other legal persons and other entities which are not natural persons are to be filed in the court with jurisdiction over their registered office (Article 30 of the CCP).

2.2.2 Exceptions to the basic rule

See paragraph 2.2.2.1.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Alternative territorial jurisdiction allows the claimant to choose the court in certain cases. The claimant may then bring an action before the court of general jurisdiction or before another court specified in Articles 32 to 371 of the CCP.
Alternative territorial jurisdiction is provided for in the following cases:
for maintenance claims and for establishing a child's parentage and related claims – actions may be brought in the court with jurisdiction over the domicile of the entitled party;
for a property claim against a business entity – actions may be brought before the court with jurisdiction over that entity's headquarters or branch, if the claim is connected with the activities of the headquarters or branch;
actions for concluding an agreement, establishing its content, amending an agreement and for establishing the existence of an agreement, for the performance, termination or annulment of an agreement, as well as for damages on account of a failure to perform or properly perform an agreement may be brought before the court having jurisdiction over the place of performance of the agreement; the place of performance of the agreement is deemed to be the place of performance typical of a particular type of agreement, in particular in the case of: (1) the sale of movable goods – the place where, under the agreement, the goods were delivered or should have been delivered; (2) the provision of services – the place where, under the agreement, the services were or should have been provided; should there be any doubts, the place of performance of the agreement should be confirmed by a document;
for a tort claim – actions may be brought before the court in the territorial jurisdiction of which the event causing the damage occurred;
an action for the protection of personal rights infringed by the mass media may be brought before the court having jurisdiction over the place of residence or registered office of the claimant;
for the payment of an amount due for handling a case – actions may be brought before the court having jurisdiction over the place where the legal representative handled the case;
for a claim under real estate lease (*najem* or *dzierżawa*) – actions may be brought before the court having jurisdiction over the place where the real estate is located;
against a party obliged under a promissory note or cheque – actions may be brought before the court having jurisdiction over the place of payment. Several parties obliged under a promissory note or cheque may be sued jointly before the court having jurisdiction over the place of payment or before the court of general jurisdiction for the acceptor or issuer of the promissory note or cheque;
An action for a claim arising from a banking transaction against a bank, another organisational entity authorised to carry out banking activities or their legal successors may be brought before the court having jurisdiction over the claimant's domicile or registered office. This provision also applies to actions against a mortgage-providing bank or its legal successor for a claim arising out of the mortgage-providing bank's activities;
concerning labour law – actions may be brought before the court in the territorial jurisdiction of which the work is, was or was to be carried out, or before the court in the territorial jurisdiction of which the employment establishment is located (Article 461(1) of the CCP).

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Exclusive jurisdiction of a court means that the case may be heard only by the court specified in the Code. Exclusive jurisdiction is provided for in as follows:

in cases concerning ownership or other rights in rem over real estate, as well as those concerning the possession of real estate; and claims under Articles 231, 224-228 and 230 of the Civil Code, in so far as they relate to real estate: actions may be brought only before the court having jurisdiction over the location of the real estate; if the subject of the dispute is a land easement, jurisdiction is determined according to the location of the encumbered property; this jurisdiction encompasses personal claims related to rights in rem and rights pursued jointly with those claims against the same defendant; The competent court may, if the parties so request unanimously, refer the case to another equivalent court, where this is justified by reasons of expediency;
concerning succession, a reserved share, as well as bequests, instructions or other testamentary dispositions – actions are to be brought only before the court having jurisdiction over the testator's last place of habitual residence, and if the testator's domicile in Poland cannot be established, before the court having jurisdiction over the location of the inheritance or part thereof;
concerning membership in a co-operative, partnership, company or association – actions may be brought only in the court with jurisdiction over the registered office;
concerning a relationship of marriage – actions may be brought only before the court in the territorial jurisdiction of which the spouses were last resident if even one of them is still domiciled or habitually resident within that jurisdiction. In the absence of such a basis, the court with exclusive jurisdiction is the court with jurisdiction over the domicile of the defendant, and in the absence also of that basis – the court with jurisdiction over the domicile of the claimant;
concerning a relationship between parents and children and between the adopter and the adoptee – actions may be brought only before the court with jurisdiction over the domicile of the claimant, provided there are no grounds for filing an action under general jurisdiction provisions.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Special jurisdiction means that court jurisdiction may be defined differently in cases specified in special legislation:
the right to choose the court has been granted to the claimant;
if the jurisdiction of several courts is justified or if the action is brought against several parties for which various courts are competent under the legislation on general jurisdiction. The same applies if the real estate whose location is the basis for determining court jurisdiction is situated in several court jurisdiction areas;
the right to choose the court has been granted to both parties on the basis of an agreement or a unanimous request;
the parties may agree in writing to submit an already existing dispute, or any disputes that may arise in the future out of a specified legal relationship, to a court of first instance which does not have territorial jurisdiction under law. That court will then have exclusive jurisdiction, unless the parties have agreed otherwise or unless the claimant has filed a statement of claim in an electronic procedure by writ of payment (*elektroniczne postępowanie upominawcze, EPU*). The parties may also limit, by means of a written agreement, the claimant's right to choose from among several courts competent for such disputes;
the parties may not, however, change exclusive jurisdiction;
agreements on court jurisdiction must be in written form, and they may form part of a substantive law agreement (a jurisdiction clause) or constitute a separate agreement;
in labour law and social security cases, the competent court may, at a unanimous request of the parties, refer the case for hearing to another, equivalent court dealing with labour law and social security matters, where this is justified by reasons of expediency;
the competent court is designated by the superior court or the Supreme Court;
if the competent court cannot hear the case or undertake another action due to an obstacle, its superior court will designate another court. The reason for such designation may only be an obstacle preventing the case from being heard, e.g. the exclusion of a judge or force majeure;
the Supreme Court may refer the case to another court equivalent to the requesting court if the interests of justice so require, in particular due to the need to ensure that the court is seen as an impartial body in the public perception. The referral of the case may be requested by the competent court.
if the State Treasury is a party to proceedings, and the State organisational unit whose activities give rise to the claim is the court: (1) competent to hear the case, then that court must, of its own motion, submit the case file to the superior court, which must refer the case to another court equivalent to the referring court; (2) superior to the court competent to hear the case, then the court competent to hear the case must, of its own motion, submit the case file to the superior court, which must refer the case to another court equivalent to the referring court located outside the jurisdiction of the referring court;
The Supreme Court is obliged to designate the court before which the action is to be brought if territorial jurisdiction cannot be determined in accordance with the Code on the basis of the circumstances of the case (Article 45 of the CCP).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Specialised courts are administrative courts (*sądy administracyjne*) and military courts (*sądy wojskowe*).
The operation of military courts is regulated by the Military Courts Organisation Act (*Prawo o ustroju sądów wojskowych*) of 21 August 1997. Generally, these courts examine criminal cases in the Polish Armed Forces. Other cases may be referred to their jurisdiction exclusively by way of an Act.
The operation of administrative courts is regulated by the Administrative Courts Organisation Act (*Prawo o ustroju sądów administracyjnych*) of 25 July 2002. Administrative courts dispense justice by monitoring the activities of public administration authorities, as well as by resolving competence disputes and jurisdiction disputes between local government authorities and government administration authorities. It cannot be excluded that in exceptional cases an administrative court, as part of its supervisory duties with respect to the activities of public administration authorities, may decide in a civil case.

Last update: 20/12/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Portugal

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The general rule under Portuguese law is that district courts (*tribunais de comarca*) are competent to prepare and hear cases concerning matters that do not fall under the jurisdiction of other courts. District courts have both general and specialist competence (Article 80 of Law No 62/2013 of 26 August 2013 Jurisdiction is divided between the courts according to subject matter, value, rank and territory. (Articles 37, 40, 41, 42 and 43 of Law No 62/2013 of 26 August 2013).
This question is governed by the following legislation:
Law No 62/2013 of 26 August 2013 (Law on the Organisation of the Judicial System)
Decree-Law No 49/2014 of 27 March 2014 (Rules applicable to the Organisation and Functioning of the Courts)

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

As mentioned above, the jurisdiction of the district courts is defined by default, i.e., they are competent to prepare and hear cases concerning matters that do not fall under the jurisdiction of other courts. District courts are divided into benches (*juízos*) of specialised and general competence, as well as local benches (Article 81 of Law No 62/2013 of 26 August 2013.

To find out whether you should go to the local civil bench of general competence, or to a central specialised bench, please see the reply to question 3 below. For example, you should go to the central civil bench for declaratory actions under the common procedure with a value exceeding €50 000 (Article 117 of Law No 62/2013 of 26 August 2013).

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Yes. There is a distinction between higher and lower courts for the purpose of appealing court judgments. As a general rule, the Supreme Court of Justice (*Supremo Tribunal de Justiça*) hears appeals with a value exceeding the limit of the appeal courts (*tribunais da Relação*) and appeal courts hear cases with a value exceeding the limit of the courts of first instance (*tribunais judiciais de primeira instância*) (Article 42 of Law No 62/2013 of 26 August 2013).

The limits are laid down in Article 44 of Law No 62/2013 of 26 August 2013.

To determine which court is competent, it is necessary to apply the rules on competence based on subject matter, value, rank and territory laid down in Law No 62/2013 of 26 August 2013.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

The question of territorial jurisdiction is governed by Article 43 of Law No 62/2013 of 26 August 2013.

To find out whether the court of city A or city B is competent, you must consult Annexes I, II and III of Law No 62/2013 of 26 August 2013.

2.2.1 The basic rule of territorial jurisdiction

Natural persons

The general rule is laid down in Article 80 of the Code of Civil Procedure.

Legal persons and companies

The general rule is laid down in Article 81 of the Code of Civil Procedure.

Multiple defendants and cumulative applications

The general rule is laid down in Article 82 of the Code of Civil Procedure.

Cases where one of the parties is a judge, a judge's spouse or a particular relative of a judge

The rule laid down in Article 84 of the Code of Civil Procedure applies.

Hearing of appeals

The rule on competence to hear appeals is laid down in Article 83 of the Code of Civil Procedure.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

The following is a joint reply to these questions.

The exceptions to the above-mentioned general rules are laid down in Articles 70 to 79 of the Code of Civil Procedure .

The special provisions on enforcement are laid down in Articles 85 to 90 of the Code of Civil Procedure .

Labour law

The general rule is laid down in Article 13 of the Code of Labour Procedure.

Insolvency

The rule laid down in Article 7 of the Code of Insolvency and Corporate Recovery applies.

Inventory

For competence in inventory proceedings, see the factsheet on succession.

Maintenance for adults and minors and regulation of parental responsibility

For competence in declaratory actions relating to maintenance payments for adults and minors, in enforcement thereof and in actions relating to the regulation of parental responsibility, see the factsheet on maintenance.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Yes. Agreed competence is provided for in Article 95 of the Code of Civil Procedure.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The jurisdiction of each court depends on the subject matter, as set out below:

Central civil benches (*Juízos centrais cíveis*)

The jurisdiction of central civil benches is laid down in Article 117 of Law No 62/2013 of 26 August 2013.

Central family and juvenile benches (*Juízos centrais de família e menores*)

The jurisdiction of family and juvenile benches is laid down in Articles 122 to 124 of Law No 62/2013 of 26 August 2013.

Central labour benches (*Juízos centrais do trabalho*)

The jurisdiction of labour benches is laid down in Article 126 of Law No 62/2013 of 26 August 2013.

Central commercial benches (*Juízos centrais de comércio*)

The jurisdiction of commercial benches is laid down in Article 128 of Law No 62/2013 of 26 August 2013.

Central enforcement benches (*Juízos centrais de execução*)

The jurisdiction of enforcement benches is laid down in Article 129 of Law No 62/2013 of 26 August 2013.

COURTS WITH WIDER JURISDICTION

Intellectual Property Court (*Tribunal da propriedade intelectual*)

The jurisdiction of the Intellectual Property Court is laid down in Article 111 of Law No 62/2013 of 26 August 2013.

Court for Competition, Regulation and Supervision (*Tribunal da concorrência, regulação e supervisão*)

The jurisdiction of the Court for Competition, Regulation and Supervision is laid down in Article 112 of Law No 62/2013 of 26 August 2013.

Maritime Court (*Tribunal marítimo*)

The jurisdiction of the Maritime Court is laid down in Article 113 of Law No 62/2013 of 26 August 2013.

HIGHER COURTS

Courts of Appeal

The definition, organisation and functioning of the Courts of Appeal is laid down in Article 67 of Law No 62/2013 of 26 August 2013.

Supreme Court of Justice

The organisation of the Supreme Court of Justice is laid down in Article 47 of Law No 62/2013 of 26 August 2013.

Applicable legislation:

Code of Civil Procedure

Law No 62/2013 of 26 August 2013 (Law on the Organisation of the Judicial System)

Decree-Law No 49/2014 of 27 March 2014 (Rules applicable to the Organisation and Functioning of the Courts)

Code of Labour Procedure

Code of Insolvency and Corporate Recovery

Warning

The Contact Point, the courts and other entities and authorities are not bound by the information contained in this factsheet. The legal texts in force and subsequent amendments thereto must also be consulted.

Last update: 28/10/2022

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Romania

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In Romania, in addition to ordinary courts, there are specialised sections or panels for dispute resolution with regard to certain matters.

Pursuant to the provisions of Law No 304/2004 on judicial organisation, the High Court of Cassation and Justice (Înalta Curte de Casație și Justiție) has 4 sections – Civil Section I, Civil Section II, the Criminal Section, the Administrative and Tax Litigation Section – the Nine-Judge Panel and the Joint Sections, each having their own jurisdiction. Courts of appeal, tribunals or, as appropriate, district courts have specialised sections or panels for civil cases, criminal cases, cases involving minors and family matters, cases involving administrative and tax disputes, cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, maritime and fluvial cases. Specialised tribunals may be set up to rule on the above matters, as appropriate.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The Code of Civil Procedure sets out the ordinary procedure for civil cases. Its provisions also apply to other matters, in so far as the laws governing them do not provide otherwise.

Articles 94 to 97 of the Code of Civil Procedure govern the subject-matter jurisdiction of civil courts of law.

As courts of first instance, district courts hear the following cases involving applications that can (cannot) be measured in terms of money:

applications which are, pursuant to the Civil Code, within the jurisdiction of the custody and family court;

applications related to registration in civil status records;

applications related to the administration of multi-storey buildings/apartments/spaces owned exclusively by different persons and the legal relationships established by homeowners' associations with other natural or legal persons;

applications for eviction;

applications related to shared walls and ditches, the distance between buildings and plantations, rights of way, easements, other limitations affecting ownership rights;

applications related to changes in boundaries and to marking boundaries;

applications for the protection of possessions;

applications related to obligations to carry out or not to carry out actions which cannot be measured in terms of money;

applications for judicial partition, regardless of the value involved;

applications for the court declaration of the death of a person;

applications related to inheritance, regardless of the value involved;

applications related to positive prescription, regardless of the value involved;

applications related to land, except for those which are by special law within the jurisdiction of other courts;

other applications that can be measured in terms of money, up to and including RON 200 000, regardless of the parties' capacity.

District courts hear appeals against the decisions of the public authorities with jurisdiction and other bodies with jurisdiction. District courts also hear any other applications which are by law within their jurisdiction.

Tribunals hear:

as courts of first instance, all the applications which are not by law within the jurisdiction of other courts;

as courts of appeal, the appeals against judgments handed down by judges at first instance;

as courts of review, applications for review against judgments handed down by district courts, which, under the law, are not subject to appeal, and in any other cases expressly provided for by the law;

any other applications which are by law within their jurisdiction.

Courts of appeal hear:

as courts of first instance, applications relating to administrative and tax disputes;

as courts of appeal, appeals against judgments handed down by tribunals at first instance;

as courts of review, applications for review against judgments handed down by tribunals on appeal or against judgments handed down at first instance by tribunals which, under the law, are not subject to appeal, and in any other cases expressly provided for by the law;

any other applications which are by law within their jurisdiction.

The High Court of Cassation and Justice hears:

appeals against judgments of courts of appeal and other judgments, in the cases provided for by law;

reviews in the interest of the law;

applications in relation to a prior ruling for clarifying certain legal matters;

any other applications which are by law within its jurisdiction.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The Romanian civil judicial system distinguishes between lower and higher courts, with jurisdiction related to subject matter being established among different-ranking courts according to functional (type of duty) and procedural criteria (value, subject matter or nature of dispute).
The Code of Civil Procedure has brought changes in terms of jurisdiction, and tribunals have become courts with full jurisdiction to hear the substance of cases at first instance. The jurisdiction of district courts includes hearing small and/or less complex claims, which are highly frequent in practice.
Courts of appeal have jurisdiction to mainly hear appeals, while the High Court of Cassation and Justice is the ordinary court of review which ensures the uniform interpretation and application of the law at national level.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

In the Romanian civil judicial system, the rules on territorial jurisdiction are laid down in Article 107 et seq. of the Code of Civil Procedure.
According to the general rule, the application is lodged with the court in whose area the defendant's domicile or registered office is located.

2.2.2 Exceptions to the basic rule

There are specific rules on territorial jurisdiction, such as:
if the defendant’s domicile/registered office is not known, the application shall be lodged with the court in whose area the defendant's residence /representative office is located, and, if that is unknown, with the court in whose area the claimant's domicile/registered office/residence/representative office is located;
an application against a legal person governed by private law may be also lodged with the court in whose area one of its branches without legal personality is located;
an application against an association, company or other entity without legal personality may be lodged with the court that has jurisdiction over the person who, as agreed by its members, has been entrusted with its management or administration; in the absence of such a person, the application may be lodged with the court that has jurisdiction over any of the members of the entity in question;
applications against the State, central or local authorities and institutions and other legal persons governed by public law may be lodged with the court in whose area the applicant's domicile/registered office is located or with the court in whose area the defendant's registered office is located.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The Romanian Code of Civil Procedure lays down a number of rules of alternative jurisdiction (Articles 113 to 115). Thus, the following courts also have territorial jurisdiction:
the court in the place where the applicant is domiciled (applications for establishment of parentage);
the court in the place where the applicant/creditor is domiciled (maintenance obligation);
the court in the place where the contractual obligation is to be performed;
the court in the place where the immovable property is located (leases, land registration/justification/correction);
the court in whose area departure/arrival takes place (transport agreements);
the court in whose area payment is made (bills of exchange, cheques, promissory notes or other securities);
the court in whose area the consumer is domiciled (compensation for damages to consumers in connection with agreements concluded with professionals);
the court in whose area the unlawful act was committed or the damage caused, for applications concerning obligations arising from such an act.
Where the defendant regularly carries out professional activities/agricultural, commercial, industrial or similar activities away from their domicile, the application may be also lodged with the court in whose area the activities are carried out, insofar as concerns pecuniary obligations arising or to be performed in that place.
In respect of insurance matters, an application for damages may also be lodged with the court in whose area the insured party's domicile or registered office is located, in whose area the insured party's assets are located or in whose area the insured risk has materialised.
The choice of jurisdiction under an agreement is deemed to be null and void if carried out before the right to compensation has arisen, while, in respect of matters concerning compulsory civil liability insurance, the injured third party may initiate direct proceedings also before the court in whose area their domicile /registered office is located.
In the case of applications regarding the protection of natural persons, where, pursuant to the Civil Code, the custody and family court is competent, it is the court in whose area the protected person's domicile/residence is located that decides on the question of territorial jurisdiction. In the case of applications for the authorisation, by the custody and family court, of the conclusion of certain legal acts (in relation to an immovable property), the court in whose area the immovable property is located also has jurisdiction. In this case, the custody and family court that has handed down the judgment delivers a copy of the judgment to the custody and family court in whose area the protected person has his/her domicile/residence.
An application for divorce falls within the jurisdiction of the district court in whose area the last joint home of the spouses is located. If there is no such joint home or if neither spouse lives any longer in the area of the district court having jurisdiction where the joint home is located, the competent district court is the one in whose area of jurisdiction the defendant’s home is located. If the defendant does not live in Romania and the Romanian courts have international jurisdiction, the court in whose area the applicant’s home is located has jurisdiction. If neither the applicant nor the defendant lives in Romania, the parties may agree to lodge the application for divorce with any district court in Romania. In the absence of such agreement, the application for divorce shall be lodged with Bucharest's 5th District Court (Article 915 of the Code of Civil Procedure).
Applications for the resolution of individual labour disputes shall be lodged with the tribunal in whose area the applicant's domicile/place of work is located (Article 269 of Law No 53/2003 – Labour Code).

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

The rules laying down exclusive territorial jurisdiction are set out in Articles 117 to 121 of the Code of Civil Procedure. Thus:
applications concerning rights in rem in immovable property may be lodged only with the court in whose area the immovable property is located. If the immovable property is located in the areas of jurisdiction of several courts, the application must be lodged with the court in whose area the defendant has their domicile/residence, if it is located in any of these areas of jurisdiction, or, if not, with any of the courts in whose area the immovable property is located. The provisions also apply to possessory actions, applications for the marking of boundaries, applications concerning restrictions on a right in immovable property and applications for judicial partition of an immovable property, where undivided co-ownership does not result from succession;
in matters of inheritance, until the severance of undivided co-ownership, the court in whose area the last domicile of the deceased is located has exclusive jurisdiction over applications concerning:
the validity or execution of testamentary dispositions;
inheritance, associated charges and those related to the heirs’ possible claims against one another;
applications of legatees/creditors of the deceased against any of the heirs/the executor of the will;
in respect of applications related to companies, until completion of liquidation/deregistration proceedings, the court in whose area the company has its principal office has exclusive jurisdiction;

the tribunal in whose area the debtor's registered office is located has exclusive jurisdiction over applications related to insolvency/creditors' arrangements; applications submitted by a professional against a consumer may be lodged only with the court in whose area the consumer is domiciled.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Parties may agree in writing or, in respect of ongoing disputes, by means of a verbal statement before the court, that cases related to assets and other rights they may have should be heard by other courts than those that would have territorial jurisdiction, unless they have exclusive jurisdiction. In disputes concerning the protection of consumers' rights and other cases provided for by law, the parties may agree on the choice of competent court only after the right to compensation has arisen, any agreement to the contrary being deemed null and void (Article 126 of the Code of Civil Procedure).

Ancillary, additional and incidental applications come under the jurisdiction of the court that is competent for the principal application, even if they fall within the subject-matter or territorial jurisdiction of another court, except for applications concerning insolvency or creditors' arrangements. These provisions also apply where the jurisdiction over the principal application has been laid down by law in favour of a specialised section or panel. If a court has exclusive jurisdiction over one of the parties, it shall have exclusive jurisdiction over all parties (Article 123 of the Code of Civil Procedure).

Moreover, pursuant to the provisions of Article 124 of the Code of Civil Procedure, the court that has jurisdiction to rule on the principal application shall also rule on defences and exceptions, except for those that are preliminary matters and fall within the exclusive jurisdiction of another court, while procedural incidents are heard by the court before which they are raised.

The issue of a general lack of courts' jurisdiction may be raised by the parties or by the judge at any stage in the case. The issue of a lack of subject-matter and territorial jurisdiction of public order must be raised at the first hearing to which the parties have been duly summoned before the court of first instance, while a lack of jurisdiction of private order may be raised only by the defendant, through the defence or, if defence is not mandatory, at the latest at the first hearing to which the parties have been duly summoned before the court of first instance. If the lack of jurisdiction is not of public order, the party that has lodged the application with a court that has no jurisdiction will not be able to request a declaration of lack of jurisdiction (Article 130 of the New Code of Civil Procedure).

In civil disputes with cross-border implications, in matters concerning rights freely available to the parties under Romanian law, if the parties have validly agreed that the Romanian courts have jurisdiction to rule on current or possible disputes in relation to those rights, only the Romanian courts shall be competent to rule on such matters. Unless the law provides otherwise, the Romanian court before which the defendant is summoned remains competent to rule on the application if the defendant appears before the court and submits defences as to the substance of the case, without raising an objection of lack of jurisdiction at the latest by the end of the stage of inquiry into the case before the court of first instance. In the two above-mentioned situations, the Romanian court to which the matter has been referred may dismiss the application if it becomes clear, from all the circumstances of the case, that the dispute has no significant link to Romania (Article 1067 of the New Code of Civil Procedure).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

See answers to questions 1, 2, 2.1., 2.2., 2.2.2.1., 2.2.2.2.

Last update: 19/01/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Slovenia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In Slovenia, local courts (okrajna sodišča) and district courts (okrožna sodišča) have jurisdiction over civil disputes for claims at the first instance. They have the jurisdiction to adjudicate on all typical civil law matters and disputes (award of compensation, property, family disputes, etc.). The demarcation of jurisdiction between local and district courts is dealt with below.

By contrast, only district courts have the jurisdiction to hear and adjudicate on cases relating to commercial law at the first instance. Commercial disputes are those in which each of the parties in a civil case is a company, institution (including public institutions), a cooperative, the state or a self-governing local community. Commercial disputes are also those relating to legal relationships between sole traders that originate from their gainful activity, and a company, institution (including public institutions), cooperative, the state or a self-governing local community.

The law assigns jurisdiction for labour disputes to labour courts (delovna sodišča) and social courts (socialna sodišča), even if the case involves a civil dispute. Labour disputes involve relations between an employer and employee that constitute violation of the rights and obligations arising from employment relations. Labour courts have jurisdiction to adjudicate on individual labour disputes (disputes arising from employment relations, disputes relating to property rights relating to such relations), collective labour disputes (disputes in which one of the parties is usually a trade union or other institutional form of employee representation), disputes relating to the legality of strikes, and disputes relating to employee rights to employee participation in company management), which is enshrined in Slovenian law. Social courts adjudicate on rights arising from disability and pension insurance, health insurance and unemployment insurance, and on the right to family and social benefits.

As the issue of jurisdiction only arises when an action or claim has been submitted to a court (before a court hears and adjudicates upon a case, it first determines whether the case comes under its jurisdiction), it is recommended that one first consults a lawyer to avoid undue delay. A court must always pay attention in any procedure it carries out to the issue of its jurisdiction, and ensure that no other body has jurisdiction over a case (e.g. an administrative body). If it finds that this is indeed the case, a court muss dismiss the claimant's claim; this results in unnecessary loss of time and increased costs for the party.

Information on the organisation, location and jurisdiction of courts can also be found on the official website of the Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije): http://www.sodisce.si/

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

An action may be filed at any court in the Republic of Slovenia, but anyone filing an action should pay attention to the jurisdiction ratione materiae (which court has jurisdiction over the content of the case) and territorial jurisdiction. Basic information, including the addresses of all local and district courts in Slovenia, is available on the website of the Supreme Court of the Republic of Slovenia: http://www.sodisce.si/

In Slovenia, jurisdiction ratione materiae at the first instance or the possibility of a court being able to adjudicate on a party's specific claim is shared between local and district courts. The following two criteria are decisive when deciding which court will adjudicate upon a case: the value of the claim (subject of the dispute) and the legal basis for the relationship at dispute (content and subject of the dispute).

The general rule is that a district court adjudicates on more important disputes, where the subject of the dispute is of high value, where the dispute has significant relevance to a party's life, or where it is legally complex, since the courts are obliged, in their adjudication, to apply laws that address complex and sensitive legal issues (e.g. divorce, child maintenance).

Higher courts with general jurisdiction (višja sodišča), of which there are four in Slovenia, adjudicate at the second instance. It is not possible to file an action directly with such a court. Higher courts adjudicate on appeals against the decisions of local and district courts; they also adjudicate on disputes relating to jurisdiction between local and district courts in the area of the country they cover.
The Supreme Court of the Republic of Slovenia has jurisdiction to adjudicate on appeals against the judgements of the higher courts, especially decisions relating to revisions and to requests for the protection of legality. Where extraordinary legal remedies are filed, an interested party must be assisted by a lawyer – by law, only qualified lawyers may carry out specific procedural acts before the Supreme Court.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

As stated in the previous point, jurisdiction at the first instance is divided between local and district courts; however, these two courts are not in a strict hierarchical relationship. The jurisdiction of the courts is determined by law, but in general it is true that the district courts do generally hear cases that are more complex in law and in fact.
The Civil Procedure Act (Zakon o pravdnem postopku, ZPP) stipulates that local courts, of which there are 44 in total in Slovenia, have jurisdiction to adjudicate in the following cases:
property claims where the value of the subject of dispute does not exceed EUR 20 000;
disputes relating to trespass;
disputes relating to easement and encumbrance;
disputes relating to rent and lease relations.
Local courts also conduct legal aid cases for which no other court has jurisdiction under the law, as well as other cases determined by law.
District courts, of which there are 11 in Slovenia, have jurisdiction to adjudicate in the following cases:
property claims where the value of the subject of dispute exceeds EUR 20 000;
disputes to determine or challenge paternity or maternity;
matrimonial disputes;
disputes relating to legal maintenance obligations;
disputes relating to the protection and raising of children;
disputes relating to children's contact with parents and with other persons, when they are resolved jointly with disputes relating to the protection and raising of children;
disputes relating to copyright, and disputes relating to the protection or use of inventions and trademarks or the right to use a trading name, and in disputes relating to competition protection rules;
commercial disputes;
disputes arising from bankruptcy proceedings.
Adjudication on intellectual property rights at the first instance falls exclusively within the territorial jurisdiction of Ljubljana District Court. District courts also have jurisdiction over claims for international legal aid and for legal aid in procedures to recognise foreign court judgements, and also conduct other cases determined by law.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

In principle, an action may be filed at any of the courts of first instance in Slovenia mentioned in the points above. The court to which a party submits an action must decide on its jurisdiction to hear the case before adjudication starts. Should it find that it does not have territorial jurisdiction in a specific case, it may declare that it does not have jurisdiction and cede the case to another court, although it need do so only if the opposing party draws its attention to the lack of jurisdiction. It is obliged to do so, however, if another court has exclusive territorial jurisdiction to adjudicate. Notwithstanding this, there are some general rules applied to determine the territorial jurisdiction of courts that are taken into account in order to ensure that costs are kept down and proceedings resolved as quickly as possible.
The ZPP contains a rule on general and specific territorial jurisdiction; this is determined in relation to the subject of the dispute and parties thereto. The details are set out in the points below.

2.2.1 The basic rule of territorial jurisdiction

This stipulates that in an action filed against a natural person or legal entity, the action must be filed with the court covering the area in which the defendant has permanent residence or in which the legal entity has its registered office. If it is a case against a non-national natural person or legal entity, the court with general territorial jurisdiction is the court covering the area in which the natural person has residence in Slovenia or in which the legal entity has its branch office.

2.2.2 Exceptions to the basic rule

In certain cases the ZPP gives parties to a case the possibility of filing an action with another court and not that with general territorial jurisdiction under the rule. In specially defined cases (with respect to the subject or content of the dispute), a party may only file an action with the court with sole jurisdiction to adjudicate in the case in question; in this instance, it is referred to as exclusive territorial jurisdiction.
If a claimant files an action with a court that does not have territorial jurisdiction, it is declared as such and the case is transferred to another court with jurisdiction, where the case continues as if it had commenced there.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

As stated, in certain cases two courts can simultaneously have territorial jurisdiction. In this instance, a party to the case may choose with which court to file the action **(selective jurisdiction).**
Jurisdiction of this type is defined in Articles 49 to 65 of the Civil Procedure Act; therefore, only the most important cases, and those of most relevance to the life of parties to the case, are set out below.
In disputes relating to spousal maintenance, it is not only the court with general territorial jurisdiction that has jurisdiction, but also the court covering the area in which the claimant (maintenance beneficiary) has their permanent residence. The option of selecting courts is also available to parties in matrimonial disputes (divorce cases). In this case, the court covering the area in which the spouses had their last joint permanent residence has jurisdiction. In disputes to determine or challenge paternity or maternity, jurisdiction also pertains to the court covering the area in which the child permitted by Slovenian legislation to file an action has permanent or temporary residence. Where a court in Slovenia has jurisdiction in such disputes, i.e. because the claimant has permanent residence in Slovenia, territorial jurisdiction pertains to the court covering the area in which the claimant has permanent residence. In non-contractual disputes for compensation (these are most usually cases relating to traffic accidents), the court covering the area in which the damage event occurred (e.g. the location of the traffic accident) or the court covering the area in which the consequences of the damage arose have jurisdiction, alongside the court with general territorial jurisdiction. In the event of damage occurring that leads to loss of life or serious injury, the court covering the area in which the claimant has permanent or temporary residence also has jurisdiction. In disputes arising from contractual relations between parties, the court covering the area

determined as the area in which the contractual relations are met also has jurisdiction; a similar arrangement exists in relation to disputes concerning bills of exchange or cheques (court covering the place of payment).
Furthermore, selective jurisdiction also applies in disputes relating to consumer contractual relationships in which the claimant is a consumer (a natural person). In such cases, it is not only the court with general territorial jurisdiction that has jurisdiction, but also the court covering the area in which the consumer has their permanent or temporary residence. If the claimant in a dispute relating to a consumer contractual relationship is a company, jurisdiction pertains to the court covering the area in which the consumer has their permanent or temporary residence. A different territorial jurisdiction can only apply if the consumer and the company enter into an agreement after the dispute has arisen or an agreement that additionally allows the consumer to initiate proceedings before other courts. In disputes relating to insurance relationships in which the defendant is an insurance company, it is not only the court with general territorial jurisdiction and the court covering the area in which the branch of the insurance company has its registered office that has jurisdiction, but also the court covering the area in which the claimant has their permanent or temporary residence or registered office. In disputes relating to insurance relationships, an insurance company may only file a claim before a court covering the area in which the defendant, who is the policyholder, the insured person or the beneficiary of the insurance, has their permanent or temporary residence or registered office. A different territorial jurisdiction can only apply if the parties to the dispute enter into an agreement after the dispute has arisen or an agreement that additionally allows the policyholder, the insured person or the beneficiary of the insurance to initiate proceedings before other courts.
Other cases of selective jurisdiction are, as indicated, set out in the Civil Procedure Act.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In specific cases, the law prescribes special territorial jurisdiction and defines a court as the only court with jurisdiction to adjudicate on a specific case. This is termed **exclusive territorial jurisdiction**, and applies as follows:
for disputes relating to real property rights, trespass and the renting and leasing of property, the court with exclusive territorial jurisdiction is the court covering the area in which the property is located;
for disputes relating to real rights to maritime craft or aircraft (and disputes relating to their leasing), the court with exclusive territorial jurisdiction is the court covering the area in which the register of the maritime craft or aircraft is kept;
for disputes arising in the course or as a result of judicial or administrative enforcement proceedings and disputes arising in the course of or in relation to bankruptcy proceedings, the court with exclusive territorial jurisdiction is the court in the area in which the court that is conducting the enforcement or bankruptcy proceedings is located.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Slovenian legislation allows parties in a specific case to agree upon the jurisdiction of a first instance court (**agreement on territorial jurisdiction**). An agreement between them can change the territorial jurisdiction as defined by law, though it must be emphasised that parties cannot make an agreement determining jurisdiction **ratione materiae**; that can only be determined by law (cf. the explanation above).
Parties may agree that a court of first instance that does not otherwise have territorial jurisdiction may hear their case. The basic condition that the parties must meet is that the court thus agreed upon has the jurisdiction to adjudicate on the content of the case or that it has jurisdiction ratione materiae (cf. the separation of jurisdiction between local and district courts). An agreement is also not permitted when the law provides a court with exclusive territorial jurisdiction (cf. the previous point).
An agreement between the parties must be made in writing and must relate to a specific dispute or future dispute that arises or that could arise from their specific legal relationship. The agreement document must be attached by the claimant to the action by which proceedings are instituted before the court in question. It is important to point out that an agreement on territorial jurisdiction cannot be made during proceedings – that is, when an action has already been filed at a court, without such an agreement having been attached.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The Slovenian judicial system does not have specialised courts in the field of civil and commercial law (e.g. special family courts to resolve matrimonial disputes or disputes between parents and children), as all civil disputes are resolved at local and district courts, or their civil and commercial departments. Courts have organised departments (civil, family, commercial, execution, non-litigious, probate). In general, specialised judges adjudicate on disputes in these departments and issue court judgements.
Special courts are only organised for labour and social disputes, the jurisdiction and organisation of which are set out in the opening remarks.

Related links

http://www.sodisce.si/
http://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/preciscenaBesedilaZakonov
https://www.uradni-list.si/glasilo-uradni-list-rs
http://www.pisrs.si/Pis.web/

Last update: 16/10/2019

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Slovakia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In principal, in first-instance proceedings in civil matters, the ordinary courts have jurisdiction, which means, in the majority of cases, the district court (*okresný súd*) (Section 12 of the Code of Civil Adversarial Procedure (*Civilný sporový poriadok*, CCAP)), and in exceptional cases the regional court (*krajský súd*) (Section 31 CCAP). In certain cases, a specialised court must be approached (see reply to question No 3)

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

Substantive jurisdiction is generally understood as the designation of the competence to decide cases at first instance between courts of various types. That means that it is a determination of whether a district or a regional court should decide a matter as the court of first instance. Generally, district courts have jurisdiction to hear civil cases at first instance (Section 12 CCAP). In certain matters, specified by law, it is regional courts that decide as courts of first instance (Section 31 CCAP). The basic criterion for determining a court's jurisdiction is the nature of the matter.
The basis of court procedure are hearings before courts of first instance. Every matter must first be heard by a court of first instance. Circumstances that exist at the time of the start of the procedure, i.e., on the day when the claim/application arrives at the court, are decisive for determining substantive jurisdiction. A change in circumstances in the course of a procedure has no impact on the already established substantive jurisdiction.

The existence of substantive jurisdiction is one of the fundamental procedural conditions pertaining to the court. A court reviews whether it has been met ex officio at all stages of proceedings and at all instances, hence, an objection as to a lack of substantive jurisdiction need not be raised. If a court holds that it lacks substantive jurisdiction, it is obliged to pass the case to another court that has substantive jurisdiction. The court informs the claimant/applicant. If the claim/application has already been served on the defendant/respondent, the court must also inform that party of having passed the case to a court that has substantive jurisdiction. A dispute as to substantive jurisdiction may only arise between a district and regional court, given that the Supreme Court (*Najvyšší súd*) cannot have substantive jurisdiction in first instance proceedings. A dispute as to substantive jurisdiction between a district and regional court will be resolved by the Supreme Court, which is the court superior to both in deciding on jurisdiction.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The judicial system of the Slovak Republic has a three-level court system: district courts, regional courts, and the Supreme Court. District courts have jurisdiction to hear civil cases at first instance (Section 12 CCAP). Regional courts have jurisdiction at second instance, which means that appeals against decisions of district courts will always be heard by regional courts. An exception are disputes arising from abstract review in consumer matters, when regional courts (Bratislava Regional Court, the Banská Bystrica Regional Court, and the Košice Regional Court) decide in their districts as courts of first instance (Section 31 CCAP).

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Territorial jurisdiction is regulated by the Code of Civil Adversarial Procedure and Code of Civil Non-Adversarial Procedure (*Civilný mimosporový poriadok*, CMP). Provisions on territorial jurisdiction determine which first-instance court, i.e., which specific court, of all courts having substantive jurisdiction, should hear and decide a matter. Applicable legal regulation distinguishes between general territorial jurisdiction and particular territorial jurisdiction. Particular territorial jurisdiction takes priority in the determination of the territorial jurisdiction of a court. If jurisdiction is not determined using this method, general territorial jurisdiction is applied. Territorial jurisdiction can also be optional (alternative/facultative) or exclusive. If territorial jurisdiction is optional, the claimant can choose whether to file at the ordinary court of the defendant or at another court stated in the CCAP. When territorial jurisdiction is exclusive, cases are enumerated when a court other than the ordinary court of the defendant has territorial jurisdiction. That means that a certain court will have jurisdiction regardless of whether a different court is the defendant's ordinary court, and regardless of the possibility of choosing a court at one's discretion in the given matter.

2.2.1 The basic rule of territorial jurisdiction

Adversarial cases

According to the provisions of the CCAP, the ordinary court of the defendant will always have territorial jurisdiction, unless otherwise provided (Section 13 CCAP).

The ordinary court of an individual is the court in whose district the individual has his permanent residence (Section 14 CCAP).

The ordinary court of a legal entity is the court in whose district the legal entity has its registered seat (Section 15 (1) CCAP). The ordinary court of a foreign legal entity is the court in whose district the foreign legal entity has its branch office in the Slovak Republic (Section 15 (2) CCAP).

If an ordinary court cannot be thus determined, the ordinary court will be that court in whose district the individual or the legal entity had his last permanent residence or its registered seat in the Slovak Republic; if there is no such court, then the court in whose district the person has assets will have jurisdiction (Section 16 CCAP).

The ordinary court of the State is the court in whose district a fact giving rise to the claim occurred (Section 17 CCAP).

Non-adversarial matters

In non-adversarial matters (Section 3 CMP), a court designated by the Act has territorial jurisdiction. If territorial jurisdiction cannot be determined thereby, the court that is the ordinary court of the claimant has territorial jurisdiction.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Alternative jurisdiction (jurisdiction chosen optionally) reflects the right of the claimant to choose, instead of the defendant's ordinary court, a court that has jurisdiction under Section 19 CCAP. Aside from the general court of the defendant, territorial jurisdiction is also held by a court in whose district:

a) is the defendant's place of work, pursuant to his employment agreement;

b) a circumstance giving rise to a damage claim occurred;

c) the branch office of a defendant legal entity is based, if the dispute relates to that office;

d) the claimant who is a consumer has his permanent residence, if the dispute is a consumer dispute or if the proceedings concern disputes related to consumer arbitration;

e) the claimant has his permanent residence or registered seat or, in the case of a foreign legal entity, where the claimant has its organisational unit, in the case of an antidiscrimination dispute.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Exclusive jurisdiction in **adversarial matters** means the obligation of the claimant to choose, instead of the ordinary court of the defendant, the court that has jurisdiction pursuant to Section 20 CCAP. That means that, in the following cases, territorial jurisdiction to hear the proceedings will belong to the court:

a) in whose district is the real property, in a dispute pertaining to a right in rem to real property;

b) in whose district inheritance proceedings are conducted, in a dispute related to inheritance proceedings;

c) at which execution proceedings are taking place, if the dispute is caused by the particular nature of the proceedings;

d) at which bankruptcy or restructuring proceedings are taking place, if the dispute is caused by the particular nature of the proceedings, with the exception of proceedings concerning the settlement of indivisible marital property;

e) in whose district is the venue of arbitration, if the proceedings concern disputes pertaining to arbitration proceedings, with the exception of consumer arbitration; if the venue of arbitration is outside of the Slovak Republic, the court in whose district the defendant has his permanent residence or the address of its registered seat or its organisational unit, in the case of a foreign legal entity, will have jurisdiction to hear the case; if the defendant does not have his permanent residence or the address of its registered seat or its organisational unit, in the case of a foreign legal entity, in the Slovak Republic, then the court in which the claimant has his permanent residence or the address of its registered seat or its organisational unit, in the case of a foreign legal entity, will have jurisdiction to hear the case.

Exclusive jurisdiction in **non-adversarial cases** means that, instead of the ordinary court, the following court shall have jurisdiction:

Territorial jurisdiction in proceedings concerning the **divorce of a married couple** will be had by the court in whose district the couple had their last joint address of residence, provided that at least one of them is still resident in that district. Otherwise, the ordinary court of the spouse who did not file the claim will have territorial jurisdiction. If court jurisdiction cannot be determined this way, the claimant's ordinary court will have jurisdiction (Section 92 CMP).

Territorial jurisdiction in proceedings concerning the **determination of invalidity** or of the **nullity of a marriage** will be had by the court in whose district the couple had their last joint address of residence, provided that at least one of them is still resident in that district. Otherwise, the ordinary court of the spouse who did not file the claim will have territorial jurisdiction. If court jurisdiction cannot be determined this way, the ordinary court of one of the spouses will have jurisdiction (Section 101 CMP).
Territorial jurisdiction in proceedings in cases concerning **judicial protection of minors** will be has by the court in whose district the minor has his residence, determined by agreement of his parents or otherwise in accordance with the law at the beginning of the proceedings (Section 112 (1) CMP).
Territorial jurisdiction in proceedings in cases concerning **adoption** will be had by the court in whose district the child has his residence, determined by agreement of his parents or otherwise in accordance with the law at the beginning of the proceedings. If there is no such court, the court in whose district the child dwells will have jurisdiction to hear the case (Section 136 CMP).
Territorial jurisdiction in proceedings concerning **capacity to engage in legal actions** will be had by the court in whose district the person whose capacity is concerned has his residence (Section 232 CMP).
Territorial jurisdiction in proceedings concerning the **permissibility of a person's commitment and retention at a medical facility** will be had by the court in whose district the medical facility is located (Section 252 CMP).
Territorial jurisdiction in proceedings concerning the **appointment of a custodian** will be had by the court in whose district the individual concerned has his residence; if there is no such court, the court in whose district the individual has his assets (Section 273 CMP).
Territorial jurisdiction in proceedings concerning **a declaration of death** will be had by the ordinary court of the person who is to be declared dead (Section 220 CMP).
Territorial jurisdiction in proceedings concerning **inheritance** will be had by the court in whose district:
a) the testator had his permanent residence at the time of his death;
b) the assets of the testator are located, unless jurisdiction is established pursuant to paragraph a);
c) the testator died, unless jurisdiction is established pursuant to paragraphs a) or b) (Section 158 CMP).
In subsequent inheritance proceedings, the court that closed the inheritance proceedings will have territorial jurisdiction (Section 159 CMP).
If an action of a minor who is an heir must be approved by a court in connection with inheritance proceedings, the court before which the inheritance proceedings are taking place will have jurisdiction to approve the legal action (Section 160 (1) CMP).
Territorial jurisdiction in proceedings in cases concerning **notarial custody** will be had by the court in whose district the notary holding the money, items, or securities in custody has his registered office (Section 334 CMP).
Territorial jurisdiction in proceedings concerning the **judicial replacement of a lost security issued by a bank or a branch of a foreign bank** will be had by the court in whose district the bank or branch of a foreign bank has its registered office. Otherwise, the ordinary court of the claimant will have jurisdiction in proceedings concerning judicial replacement of a document. If the claimant does not have his ordinary court in the Slovak Republic, the court in whose district the point of payment is situated will have jurisdiction (Section 311 CMP).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

No.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Jurisdiction of specialised courts is regulated in Section 22 – 33 CMP; specifically, there are specialised courts having jurisdiction in:
a) bill of exchange and cheque proceedings;
b) employment disputes;
c) bankruptcy and restructuring proceedings;
d) disputes related to industrial property;
e) disputes related to unfair competitive conduct and copyright disputes;
f) disputes arising from economic competition;
g) disputes pertaining to arbitration proceedings;
h) disputes arising from stock exchange agreements;
i) disputes concerning the determination of the invalidity of an agreement, concession contract for work, or framework agreement;
j) disputes arising from abstract review in consumer matters;
k) disputes concerning compensation of nuclear damage;
l) matters concerning protective measures in civil matters ordered in another EU Member State.

Last update: 22/04/2022

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Finland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In Finland civil actions are handled by general courts. Special courts are generally either appellate instances or else they hear cases other than those brought by individual citizens.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The general court of first instance in civil actions in Finland is the district court (*käräjäoikeus*). Courts of Appeal (*hovioikeus*) principally act as appellate courts.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The main rule is that actions are brought to the general court of first instance of the defendant's place of residence. This also applies in situations where the defendant is a legal person. Only a small minority of actions are handled elsewhere.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Cases where this is possible include the following:

Actions regarding divorce, termination of cohabitation or the validity of marriage, or the division of property in circumstances other than following the death of a spouse, can be brought to a court of first instance in a judicial district where either of the spouses has his or her place of residence or domicile.
Actions regarding the operations of a branch, department, representative or other such place of business of a legal person or the operations of a place of business of a sole trader where said legal person or sole trader is the defendant can also be brought to a court of first instance in the judicial district where the place of business concerned is located.
A claim brought by a consumer against a trader on the basis of consumer protection legislation can also be heard by a court of first instance in the judicial district where the consumer concerned has his or her place of residence or domicile.
The Market Court (*markkinaoikeus*) acts as the court of first instance for disputes, applications and complaints relating to industrial rights and copyrights.
Actions regarding employment contracts can also be brought to a court of first instance in the judicial district where the work governed by the contract concerned is usually performed. In cases where work is generally not performed within the same judicial district, a claim brought by an employee against his or her employer can also be heard by a court of first instance in the judicial district where the employer has his or her place of business.
Actions regarding compensation on other than contractual grounds can also be brought to a court of first instance in the judicial district where the act or negligence giving rise to the claim occurred or where the resulting loss was incurred. The aforementioned kinds of actions can also be brought to a court of first instance in the judicial district where the claimant has his or her place of residence or domicile, if the claim is based on the Motor Liability Insurance Act (*liikennevakuutuslaki*), the Patient Injury Act (*potilasvahinkolaki*), the Product Liability Act (*tuotevastuulaki*), the Environmental Damage Insurance Act (*laki ympäristövahinkovakuutuksesta)* or the Rail Traffic Liability Act (*raideliikennevastuulaki*).
Actions regarding immovable property can also be brought to a court of first instance in the judicial district where the immovable property is located.
Actions regarding maintenance can also be brought to a court of first instance in the judicial district where the claimant or recipient of maintenance has his or her place of residence.
In international cases, jurisdiction rules laid down in EU regulations or international treaties may apply.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

The competent court will not always be the court of the defendant's place of residence. For example,
Actions regarding the establishment of paternity must be brought to a court of first instance in the judicial district where the mother has her or the child has his or her place of residence or domicile. Actions regarding the revocation of paternity must be brought to a court of first instance in the judicial district where the child has his or her place of residence.
Actions regarding child custody and right of access must be brought to a court of first instance in the judicial district where the child has his or her place of residence.
Actions regarding the enforcement of custody and right of access orders must be brought to a court of first instance in the judicial district where the child or the respondent has his or her place of residence or where either is temporarily residing.
Actions regarding the appointment of guardians or the termination of guardianship or the restriction of legal capacity or the removal or amendment of such restrictions must be brought to a court of first instance in the district where the individual whose legal capacity is being restricted has his or her place of residence.
Actions regarding the confirmation of adoption must be brought to a court of first instance in the judicial district where the adoptive parent has his or her place of residence or domicile.
Actions regarding inheritance and estates must be brought to a court of first instance in the judicial district where the deceased had his or her place of residence or domicile.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

In civil actions (but not in non-contentious proceedings) the interested parties can, subject to certain conditions, choose a court other than the normally competent court (court of first instance).
The right of consumers, employees or individuals claiming or receiving maintenance to file actions with the court indicated by the Code of Judicial Procedure (*oikeudenkäymiskaari*) cannot be restricted by agreements conferring jurisdiction except in cases where such agreements are made after the dispute arose.
Agreements conferring jurisdiction must be made in writing, and they can be limited to a specific dispute or cover any subsequent disputes arising from a specific legal relationship.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The Market Court acts as the court of first instance for disputes, applications and complaints relating to industrial rights and copyrights. Otherwise a special court system is only used in Finland for litigation cases in exceptional circumstances.

Links

Finnish courts

Last update: 10/05/2023

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Sweden

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Disputes in civil law are normally heard by a general court. The case must be brought before a district court ('tingsrätt') that has jurisdiction.
There are two special courts which hear certain types of civil case, namely the Labour Court ('*Arbetsdomstolen'*) and the Market Court ('*Marknadsdomstolen'*). There are also certain district courts that handle specific types of case. Information about the jurisdiction of these courts may be found under question 3 below.
More information about general courts may be found here, and about special courts here.
Some disputes in civil law are heard by bodies that are not actually courts. Using a simplified procedure in the context of summary proceedings, the enforcement authorities can require a party to make a payment or to take other steps. Decisions taken by the authorities can be challenged before a district court. Certain types of dispute involving rent or leases are heard by Rent Tribunals ('hyresnämnder') or Leasehold Tribunals ('arrendenämnder').

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Virtually all civil cases are first brought before the lowest court, the district court ('tingsrätt').

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As a general rule, a case must be brought where the defendant is resident. A natural person is considered to be resident in the place where he or she is entered in the population register. The Swedish Tax Agency (‘Skatteverket’) can provide information about where a person is entered in the population register (tel: +46 (0)8 56 48 51 60). Legal persons are normally taken to be resident at the place where they have their registered office.

It may also be possible to bring a case before a Swedish court even if the person does not live in Sweden. If the defendant has no place of residence the case may be brought at the place where they are staying, or, in some cases, at the place where they last lived or stayed. In some civil disputes a case may be brought in Sweden even if the defendant is resident abroad. If they have property in Sweden or have entered into an agreement in Sweden, this will be of crucial importance to the grounds for jurisdiction.

In international cases it is important to remember that the Swedish provisions on the jurisdiction of the courts can only apply where there is Swedish jurisdiction. In most cases there is Swedish jurisdiction if a Swedish court has jurisdiction under the national provisions on the jurisdiction of the courts. It is also necessary in this context to take account of any international agreements that may apply. The most important of these for Sweden are the Brussels I Regulation, the Brussels Convention and the Lugano Convention, all of which regulate the jurisdiction of the courts if the defendant is resident in a State covered by the Regulation or Conventions. In particular, they also point out that the grounds for jurisdiction whereby an action for payment liability may be brought where the defendant has property may not be applied to a person who is resident in a Member State or a State party to the Convention.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

There are a number of rules on jurisdiction whereby a case can also be brought before another court than the court in the place where the defendant lives. There are also rules on competing jurisdiction in various international agreements, such as the Brussels I Regulation and the Brussels and Lugano Conventions.

These are the most important Swedish rules on competing jurisdiction:

Anyone who has suffered damage may bring a case at the place where the harmful act took place or where the damage occurred. In principle, this provision does not apply in the case of breach of contract. An action for damages as a result of a criminal act can be brought in connection with prosecution for the crime.

Consumers can bring a case against a trader before their own court in consumer cases involving small amounts.

Cases involving a payment liability under a contract can in some cases be brought at the place where the contract was entered into. On the other hand, there is no provision in Swedish law conferring jurisdiction on the court at the place where a contract is to be performed.

A case against a trader involving a dispute which has arisen in connection with a business activity can be brought at the place of business in some cases.

Actions involving child custody, housing and visiting rights are normally heard at the place where the child is resident (please also see the section on Parental responsibility - Sweden).

Cases involving child support are usually brought before the court where the defendant is resident, but paternity suits, matrimonial cases and cases involving parental responsibility (custody of children and children’s housing) can also be heard by another court.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

Swedish law contains a number of rules on exclusive jurisdiction whereby the case must be brought before a particular court. There are also rules on exclusive jurisdiction in various international agreements, such as the Brussels I Regulation and the Brussels and Lugano Conventions. If a case covered by any of these rules is brought before another court than the one with exclusive jurisdiction, that court is not allowed to hear the case.

These are the most important Swedish rules on exclusive jurisdiction:

Most property law disputes must be dealt with by the court in the place where the property is located.

Some disputes involving property must be dealt with by a property court (‘fastighetsdomstol’) or by a rent or leasehold tribunal (‘hyresnämnd’ or ‘arrendenämnd’). Again, this depends on where the property is located.

Cases involving inheritance law must be heard by the court in the place where the deceased lived.

Disputes concerning marriage and the division of property between spouses must be heard by the court in the place where one of the parties lives.

Where a dispute must be heard by the Labour Court (‘Arbetsdomstolen’) or the Market Court (‘Marknadsdomstolen’), the case cannot be brought before the general court in the defendant’s place of residence.

For most disputes involving environmental law, maritime law and intellectual property law, there are special rules which confer jurisdiction on only one court.

Svea Court of Appeal (‘Svea hovrätt’) has exclusive jurisdiction to hear certain petitions involving the enforcement of decisions of foreign courts.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

The parties can enter into an agreement whereby a dispute may or must be heard by a certain court. This is known as a jurisdiction extension agreement, and it must be made in writing. The agreement may mean that a single court has exclusive jurisdiction. It is also possible to agree that another court than the one provided for by the normal rules will have jurisdiction. The parties can also assign jurisdiction to more than one court.

In principle, the court designated by the parties as having jurisdiction is bound to accept a case brought before it. However, this does not apply if the agreement contravenes any of the rules on exclusive jurisdiction. If one of the parties asserts that the jurisdiction extension agreement is invalid, the court must also examine the assertion, with the result that it may not have jurisdiction.

A court which would not otherwise have jurisdiction can have jurisdiction if the defendant does not assert that the case is being heard by the wrong court (this is known as ‘tacit prorogation’). This is not the case, however, if rules on exclusive jurisdiction apply; the court must consider this question of its own accord. However, the court will not automatically examine the question of whether the case is being brought in contravention of the main rule, the rules on competing jurisdiction or a jurisdiction extension agreement. Any assertion that the court does not have jurisdiction must be made the first time the parties make statements in the case. However, if the defendant does not make any statement at all and the court has to issue a default judgment, the court must examine the question of whether it has jurisdiction.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

There are two special courts that deal with civil disputes; they are the Labour Court (‘Arbetsdomstolen’) and the Market Court (‘Marknadsdomstolen’). The Labour Court hears industrial relations disputes, i.e. disputes concerning the relationship between an employer and an employee. The Market Court hears cases involving competition and marketing law.

Certain district courts (‘tingsrätter’) deal with particular types of civil cases. Five of Sweden’s district courts are also land and environment courts (‘mark- och miljödomstolar’). These courts deal with cases covered by the Environmental Code (‘miljöbalken’) and cases involving expropriation and land parcelling.

Maritime cases are heard by seven district courts which are maritime law courts (‘sjörättsdomstolar’). There are special rules for disputes under intellectual property law, especially disputes concerning patents, which give Stockholm district court (‘Stockholms tingsrätt’) exclusive jurisdiction.

Last update: 23/04/2014

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - England and Wales

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The nature of the dispute will determine the appropriate court or tribunal with jurisdiction for the dispute. Civil litigation is generally commenced in either the County Court or the High Court; the determining factors are the value of the claim and the complexity of the dispute. Cases between the state and an individual, as well as certain discrete areas (such as employment law) are generally heard in tribunals. Information on the different tribunals can be found on the Ministry of Justice website.

Some county court hearing centres have a single jurisdiction for civil work, while others have a “specialist jurisdiction”, allowing them to deal with cases involving chancery, mercantile or technology and construction law. Furthermore The High Court, which is normally based in London maintains District Registries in many of the principle areas of the country. District Registries allow High Court cases to be issued and heard outside of London by a suitably qualified judge. The Administrative Court maintains a full time High Court presence in certain regional centres.[1] A fuller description of the High Court follows below.

As the question of jurisdiction is often not straightforward - e.g. some matters of employment law are heard in the County Court rather than the employment tribunal; it is advisable to seek advice before initiating legal proceedings. More information can also be obtained on the Ministry of Justice website.

[1] Cardiff, Bristol, Birmingham, Leeds and Manchester

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The procedural rules for civil cases, known as the Civil Procedure Rules (CPR) which are supported by practice directions that give practical advice on how to interpret the rules. The practice direction to part 7 of the CPR sets out which tier of court cases should be started in. The main distinctions between the jurisdiction of the County Court and that of the High Court is the value of the claim and its complexity. The basic limit is that a claim for less than £100,000 will be in the County Court whilst any claim above will lie in the High Court. Additionally there is a procedure under part 8 pf the CPR which is a claim for anything other than money; here the subject matter, and the complexity of the case will indicate the relevant track.

Money claims are allocated to “tracks” so that a claim of up to £10,000 will be allocated to the Small Claims Track, whilst a claim from £10,000 to £25,000 will be allocated to the Fast Track; those not covered by either will be allocated to the Multi Track. It should be noted that allocation to track is a judicial function and nothing in the forgoing precludes a judge using their case management powers to allocate cases to a specific track, to be heard in a specific court. A fuller explanation can be found here.

Within the High Court there are three Divisions which deal with different types of cases:

Queen's Bench Division - deals with a wide range of civil matters including actions for damages arising from breaches of contract and tort, libel, commercial disputes and Admiralty cases (civil actions relating to ships, for example collision, damage to cargo and salvage); additionally it now incorporates the Official Referees Court under the umbrella of the Technology and Construction Court. It also has a supervisory function over a wide range of courts, tribunals and bodies or individuals performing public functions (including Government Ministers) through the Administrative Court by the process known as Judicial Review which ensures that decisions made by these bodies or individuals are properly and lawfully made and do not go beyond the powers given to them by Parliament.

Chancery Division - is particularly concerned with property matters including the administration of the estates of people who have died, the interpretation of wills, insolvency, tax partnerships, patents and disputes about companies and partnerships. The newly formed Intellectual Property Enterprise Court #_ftn1 [1] also falls within the chancery jurisdiction.

Family Division - deals with divorce and matrimonial matters, cases concerning children, such as adoption, uncontentious wills and the distribution of estates of people who have died without making a will.

Details of the High Court can also be found on the website of the Ministry of Justice.

If you are in any doubt about which is the right court you should obtain legal advice or consult the website of the Ministry of Justice.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As mentioned above, county court claims are now generally issued centrally, and then sent to hearing centres when hearings are required. Part 26(2A)(2) of the CPR provides that the case should be transferred to the County Court hearing centre serving the address where the defendant resides or carries on business, conversely either party is at liberty to apply for a case to be heard in a particular hearing centre. Noting the issue of specialist jurisdiction, it may be that the allocated hearing centre will not be local to either party by virtue of the requirement for specialist judges.

Additionally there are specific types of action that are restricted to the locality; claims involving possession of land being an example, as are claims under the Consumer Credit Act or a claim to recover goods. Here the claim must be started where the person having the goods lives or carries on business. More information on these exceptions can be found in parts 55 and 7 of the Civil Procedure Rules for England and Wales.

2.2.2 Exceptions to the basic rule

The exceptions to the basic rule is that the matter will be dealt with at the court that is the most appropriate to deal with the matter taking into account the nature of the case, the available judiciary and the representations of the parties as to the appropriate venue.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The basic rule is that the case will be transferred to the County Court hearing centre serving the address where the defendant resides or carries on business if a hearing is required. However, the parties are allowed to elect which court they want it to be heard at when they lodge the directions questionnaire; with the decision resting with the court. Some claims issued in the High Court in London may be heard in one of the various district registries. More information on the transferring of cases can be found in Part 30 of the Civil Procedure Rules.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

As mentioned above, the general determining factor as to the level of court will be the value or complexity of the claim. While the parties are able to make representations as to venue on the direction questionnaire, the ultimate decision lies with the court. It is not up to the claimant to choose which court to issue proceedings in. Additionally under part 2.7 of the CPR the court has an absolute discretion to deal with cases that it considers appropriate. More details can be found in the Civil Procedure Rules.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

No.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The responsibilities of the different Divisions of the High Court and details of the courts dealing with family matters are described above.

More information can be found on county courts and for the High Court on the Ministry of Justice website.

Related links

Ministry of Justice

Last update: 23/09/2019

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Northern Ireland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Most types of civil or commercial matters are dealt with in the High Court of Northern Ireland or in the County Court. The magistrates' courts have jurisdiction in some civil matters, such as minor debt recovery and family and domestic cases.

There are a number of statutory tribunals which deal with varied subjects such as immigration, tax, mental health, welfare benefits and transport. Some tribunals exercise a UK-wide jurisdiction and information relating to these can be found on the website of the Northern Ireland Courts and Tribunals Service. Others, such as the Fair Employment and Industrial Tribunals, which deal with some employment matters, exercise a Northern Ireland-wide jurisdiction only.

Often the question of jurisdiction is not straightforward. Therefore, it is always advisable to consult a lawyer before initiating legal proceedings.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

You should always take legal advice on which court is the correct one in which to initiate proceedings.

If your claim is for a sum of less than £30.000 and is for damages as a result of negligence or is for breach of contract, proceedings should be issued in the County Court unless you are advised otherwise. Any such claim for over £30.000 should be issued in the High Court.

Certain claims for not more than £3000 can be considered in the County Court using the small claims procedure which provides a simple and informal way of resolving disputes, often without the need for a lawyer. An information leaflet on the small claims procedure is available on the website of Northern Ireland Courts and Tribunals Service.

Family and domestic matters may be dealt with in either the magistrates' court, the County Court or the High Court, depending on the nature of the case.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

Magistrates' courts and the County Court exercise jurisdiction throughout Northern Ireland. The area in which business for these courts is usually heard is determined by reference to three Administrative Court Divisions. The Administrative Court Guide can be downloaded from the NICTS's website at http://www.courtsni.gov.uk/en-GB/Documents/Single%20Jurisdiction%20Internet%20Info%20Agreed.pdf

The High Court exercises a Northern Ireland-wide jurisdiction.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Generally, proceedings should be started in a court which covers the area in which the defendant resides or carries on business or in a court which covers the area in which the action giving rise to the proceedings occurred (although technically, they can be commenced in any Division).

Contractual matters - the court venue will depend on the nature of the contract. For example, a dispute relating to an employment contract may be a matter for the County Court or it may be a matter for the Industrial Tribunal.

Family and domestic matters, such as those relating to parental responsibility, will be heard in the magistrates' court, the county court or the High Court depending on the nature of the case.

Tort claims are dealt with under the general jurisdiction rule, as are civil claims arising out of criminal proceedings. However, there is also a scheme for compensating the victims of crime and more information can be found on the website of the Compensation Services (see link below).

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

There is no such requirement. Proceedings can be commenced in any Administrative Court Division irrespective of subject matter (although generally, they are commenced in the Division which covers the area in which the defendant resides or carries on business or which covers the area in which the action giving rise to the proceedings arise).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

The parties cannot confer jurisdiction on a court.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Information on tribunals which have a UK-wide jurisdiction can be found on the websites of the Court Service for England and Wales and the Ministry of Justice.

Information leaflets relating to the courts and most tribunals in Northern Ireland can be found on the website of the Northern Ireland Courts and Tribunals Service.

Information relating to the jurisdiction of the Industrial and Fair Employment Tribunals can be found on the website of the Industrial Tribunals and Fair Employment Tribunal.

Related links

Northern Ireland Courts and Tribunals Service

The Tribunals (Her Majesty's Court Service - England and Wales)

Tribunals (Ministry of Justice)

Industrial Tribunals and Fair Employment Tribunal

Compensation Services

Last update: 03/02/2020

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the

European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Scotland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The two main civil courts in Scotland are the Sheriff Court (including the Sheriff Appeal Court) and the Court of Session. There are, however, some specialised courts which have jurisdiction in particular kinds of claims only. These include: the Court of the Lord Lyon, the Court of Exchequer, the Election Petition Court, the Sheriff Personal Injury Court (which is part of the Sheriff Court) and the Scottish Land Court. There are also a number of statutory tribunals.

Tribunals

The Tribunals Courts and Enforcement Act 2007 created a single unified structure for most UK wide tribunals, divided into the First-tier and the Upper Tribunal. The First-tier Tribunal and Upper Tribunal each have separate chambers covering different subject matter, which bring together similar jurisdictions. Details of the Tribunals can be found on the website of Her Majesty's Courts and Tribunals Service.

There are also a number of tribunals that are devolved to Scotland. Most tribunal jurisdictions are led by a separate president or chairperson and each have different powers of enforcement. Jurisdictions range from appeals against parking fines to the compulsory treatment and restraint of patients with serious mental illness. Appeals against the decisions of Scottish tribunals are heard by the civil courts in Scotland and can be considered by the Sheriff Court and the Court of Session.

The Tribunals (Scotland) Act 2014 creates a single First-tier Tribunal for Scotland and Upper Tribunal for Scotland for devolved tribunals. Scotland's most senior judge, the Lord President, is head of the Scottish Tribunals and has delegated various functions to the President of Scottish Tribunals , which is similar to the UK model described above. The Upper Tribunal for Scotland will take on responsibility for hearing most appeals from First-tier decisions, removing these from the jurisdiction of the courts. The first tribunals are due to transfer into the new structure in December 2016. The administration of the First-tier Tribunal for Scotland and Upper Tribunal for Scotland will be carried out by the Scottish Courts and Tribunals Service.

Further information can be found on the websites of the Scottish Courts and Tribunals Service and the Scottish Government.

Court of the Lord Lyon

The Lord Lyon King of Arms is one of the Officers of State of the Kingdom of Scotland and the Queen's counsellor in matters armorial, genealogical and ceremonial. He exercises the whole Crown jurisdiction in armorial matters, enforces the law of arms and adjudicates in questions of name, family representation and chiefship.

Court of Exchequer

The Court of Session sits as Court of Exchequer in Scotland when dealing with revenue cases. The business consists in the main of appeals on law from the determination of the Special Commissioners of Income Tax on issues of liability to tax.

Election Petition Court

This court consists of two judges from the Court of Session and deals with petitions presented against the election of Members of Parliament and Members of the Scottish Parliament on the grounds of illegality or improper practices.

The Scottish Land Court

This Court deals primarily with disputes relating to agricultural tenancies and crofting (a form of small landholding). Its Chairman and Deputy Chairman are legally qualified and its two other members are practical agriculturalists. It can be asked to fix rents for agricultural holdings and crofts and it deals with appeals from the body which regulates crofting. It also deals with appeals from decisions by the Scottish Government to impose penalties on farmers in receipt of payments under the EU common agricultural policy regime, as well as appeals in relation to some environmental matters.

The Lands Tribunal for Scotland

The Tribunal has a President and three members who have recognised expertise in fields of law and surveying. The President of the Tribunal is also Chair of the Scotttish Land Court.

The main areas of work are:

the discharge or variation of title conditions

tenants' rights to purchase their public sector houses

disputed compensation for compulsory purchase of land or loss in value of land caused by public works

valuations for rating on non-domestic premises

appeals against the Keeper of the Registers of Scotland

appeals about valuation of land on pre-emptive purchase

voluntary or joint references in which the Tribunal acts as arbiter

The Sheriff Personal Injury Court

The Sheriff Personal Injury Court is the national centre of expertise in personal injury cases. Personal injury cases may be brought in the specialist injury court in Edinburgh if the sum sued for is in excess of £5000. Parties also have the choice of raising personal injury claims of any value in the local Sheriff Court. Special provision is made for workplace personal injury cases: those for more than £1000 may be raised directly in the Sheriff Personal Injury Court, while workplace cases under £1000 may be remitted to the Court if the local Sheriff considers that they are of sufficient importance or difficulty. The Court of Session no longer considers personal injury actions below £100,000.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

In Scotland both the Sheriff Court (lower court) and the Outer House of the Court of Session (higher court) act as courts of first instance in civil proceedings. The civil jurisdiction of the Sheriff Court is wide and extends to all actions of debt or damages without any upper financial limit. Actions where the value, exclusive of interest and expenses, does not exceed £100,000 must be brought in the Sheriff Court. From September 2015 the exclusive competence of the Sheriff Court was increased from £5,000 to £100,000.

The subjects excepted from the Sheriff's jurisdiction and reserved to the Court of Session are judicial reviews of administrative decisions, actions of adjudication (creating a right in security over the property), reductions (but only in relation to nullifying the effect of a decree), and petitions for the winding up of companies whose paid up capital exceeds £120,000. Cases under the Hague Convention on the Civil Aspects of International Child Abduction are heard in the Court of Session.

Cases may be remitted to the Court of Session from the Sheriff Court on the motion of the party in the case, where the Sheriff considers that the importance or difficulty of the case makes it appropriate to do so. The Court of Session may in turn permit the proceedings to be remitted to it "on cause shown." Likewise, some cases may be remitted to the Sheriff Court from the Court of Session.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

In most classes of civil proceedings, questions of jurisdiction are governed by the Civil Jurisdiction and Judgments Act 1982. The central principle of the Scottish rules of jurisdiction is that persons, whether legal or natural, are to be sued in the courts in the place where they are domiciled.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

In addition to the basic rule above, it may also be possible to choose which court to raise proceedings in.

For example:

Contract

A person may also be sued in the courts for the place of performance of the obligation in question.

Delict and quasi-delict

A person may also be sued in the courts for the place where the harmful event occurred or may occur.

Maintenance

A court has jurisdiction in matters relating to maintenance if it is the court for the place where the maintenance creditor is domiciled or habitually resident or if the maintenance claim is ancillary to proceedings before it concerning the status of a person and it has jurisdiction to entertain those proceedings.

Dispute arising out of the operation of a branch, agency or other establishment

Here there is jurisdiction in the courts where the branch/agency is situated.

Family law

Matters such as divorce, contact with and residence of children and parental responsibilities and rights will generally follow the rules of territorial jurisdiction within Scotland i.e. the case will be heard in the place where the child is domiciled, usually in the Sheriff Court. There may however be variations to this, particularly if one or both of the parties have connections with a jurisdiction other than Scotland. You should always consider seeking legal advice about such jurisdictional matters if you think this applies.

Personal Injury

Since September 2015, new jurisdictional arrangements apply in respect of the Sheriff Personal Injury Court, the Sheriff Court and the Court of Session. For details see the information provided elsewhere in this factsheet.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In certain classes of proceedings a court shall have exclusive jurisdiction regardless of domicile or any other jurisdictional rule. These are:

in proceedings which have as their object rights in rem in, or tenancies of, immoveable property, there is exclusive jurisdiction in the courts for the place where the property is situated. Although where the tenancy is for temporary private use for a maximum period of six months the courts of the defender's domicile shall also have jurisdiction, if the landlord and tenant are natural persons domiciled in the same country.

in proceedings regarding the validity of the constitution, the nullity or the dissolution of companies or other legal persons or associations of natural or legal persons, there is exclusive jurisdiction in the courts for the place where the company, legal person or association has its seat.

in proceedings which have as their object the validity of entries in public registers, there is exclusive jurisdiction in the courts for the place where the register is kept.

in proceedings concerned with the enforcement of judgments, there is exclusive jurisdiction in the courts for the place where the judgment has been or is to be enforced.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

Jurisdiction may be extended if a person submits himself to a court either by express agreement or by appearing in answer to a citation without taking the plea of no jurisdiction.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

In Scotland the use specialised courts is very limited and the answer to question 1 details which types of case they deal with. In many instances a civil law case will be heard in either the Sheriff Court or the Court of Session. It is in any case advisable to seek legal advice on taking a case to court, including if it may be suitable for a specialised court.

General information about the courts in Scotland can be found on the website of the Scottish Courts and Tribunals Service.

Related links

Scottish Courts and Tribunals Service

Last update: 02/05/2019

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Which country's court is responsible? - Gibraltar

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Most cases involving civil or commercial matters should be initiated in the Supreme Court of Gibraltar. The Supreme Court is divided into various jurisdictions but due to Gibraltar's size, there is only one registry. (The Magistrates Court has a limited jurisdiction in some family matters.)

For some matters relating to employment law, your case can be brought before the Industrial Tribunal. Other specialist tribunals are set up in areas such as mental health, income tax appeals and social security appeals.

Further guidance can be obtained from the Supreme Court Registry, 277 Main Street, Gibraltar, telephone number (+350) 200 75608.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Principally it is only the Supreme Court of Gibraltar which deals with civil matters. (The Magistrates Court has a limited jurisdiction in some family matters.)

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

Due to Gibraltar's size, the issue of internal territorial jurisdiction does not arise.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

There is only one Supreme Court in Gibraltar.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

There is only one Supreme Court in Gibraltar.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

There is only one Supreme Court in Gibraltar.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Specialist tribunals are set up by statute. You should obtain advice from a local solicitor of from the Citizens Advice Bureau if you think you can bring a claim in a specialist tribunal.

Last update: 01/04/2019

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.