

New Publication: Kruger on EU Jurisdiction Rules and Third States

T. Kruger, *Civil Jurisdiction rules of the EU and their impact on third States*, Oxford University Press, 2008, 442p.

This new publication by the South African author Dr Thalia Kruger examines the civil jurisdiction rules of the EU, contained in Council Regulations 44/2001 (Brussels I), 2201/2003 (Brussels IIbis), and 1346/2000 (Insolvency Regulation) through the lens of third States. The Regulations have been created for EU Member States and cases with elements in two or more of these States. However, in practice questions have arisen about which of the national civil jurisdiction rules can still be used when parties from third States are concerned. There were the cases of *Turner*, *Owusu*, and the *Lugano Opinion*, to mention just those that have reached the European Court of Justice. These cases have shown that the demarcation between EU law and national law in the sphere of civil jurisdiction is not always clear-cut.

The book is built around four cornerstones, which are used for the determination of the regulations' applicability. The first is the defendant and his, her, or its domicile, nationality, habitual residence, or, in the case of the Insolvency Regulation, centre of main interests: what is the effect if that is in a third State? This part of the book also examines bases of jurisdiction linked to the place of the performance of a contract or the commission of a delict or tort and how the domicile of the defendant is relevant in finding whether or not the regulations should be applied. The second cornerstone is exclusive jurisdiction, such as that based on immoveable property. Here it is not some aspect of the defendant that determines applicability of the regulations, but rather the property or other exclusive element. The third cornerstone is the choice by the parties of where they want their dispute to be heard. The fourth cornerstone is a procedural one and deals with the rules of *lis pendens*, *forum non conveniens*, related actions, and anti-suit injunctions. The book concludes with recommendations for the amendment of Brussels I to take the situation of third States into account more explicitly.

This book is published in the Private International Law Series of Oxford University Press. It is a reworked version of Thalia Kruger's PhD thesis, completed in 2005 at the Katholieke Universiteit Leuven under Professor Hans Van Houtte's supervision.