

Happy New Year to our CoL Readers

The Editorial Team of CoL wishes all of you a Happy New Year! We will continue trying our best to keep you posted on conflict of law views and news from around the world.

A first moment of interest might be on Tuesday 14/01/2020, 09:30 CET. According to the Judicial Calendar of the European Court of Justice, Advocate General Maciej Szpunar will deliver his Opinion on the Request for a preliminary ruling from the Tribunale di Genova (Italy) lodged on 12 October 2018 — LG and Others v Rina S.p.A. and Ente Registro Italiano Navale (Case C-641/18).

The question referred to the ECJ relates to the application of the Brussels I Regulation and it reads (OJ C-25/18 of 21 January 2019):

Should Articles 1(1) and 2(1) of Regulation (EC) No 44/2001 (1) of 22 December 2000 be interpreted — particularly in the light of Article 47 of the Charter of Fundamental Rights of the European Union, Article 6(1) of the European Convention on Human Rights and recital 16 of Directive 2009/15/EC (2) — as preventing a court of a Member State from waiving its jurisdiction by granting jurisdictional immunity to private entities and legal persons carrying out classification and/or certification activities, established in that Member State, in respect of the performance of those classification and/or certification activities on behalf of a non-EU State, in a dispute concerning compensation for death and personal injury caused by the sinking of a passenger ferry and liability for negligent conduct?

As is explained in the Request for the Preliminary Ruling

[T]he applicants — relatives of the victims and survivors of the sinking of the Al Salam Boccaccio '98 ferry in the Red Sea on 2 and 3 February 2006, in which more than 1 000 people lost their lives — filed a lawsuit against the defendants seeking a judgment on their collective and/or joint and several civil liability for all pecuniary and non-pecuniary losses suffered as a result of the disaster in jure proprio or jure successionis and, as a result, the award of compensation in

respect of those losses. The applicants submit that the defendants acted negligently when carrying out their classification and certification activities and when adopting decisions and guidelines, thereby rendering the vessel unstable and unsafe and causing it to sink.

The defendants entered an appearance [...], challenging the applicants' claims on various grounds, including in particular — with regard to the present proceedings — the defendants' immunity from Italian jurisdiction. Briefly, that plea is based on the fact that RINA S.p.A. and RINA ENTE were summonsed in relation to activities carried out as delegates of a foreign sovereign State, the Republic of Panama. Those activities were an expression of the sovereign prerogatives of that delegating foreign State, in whose name and in whose interest the defendants acted.

We will keep you posted...