

ECJ Judgment on Articles 11 (2) and 9 (1) (b) Brussels I Regulation

Today, the ECJ delivered its judgment in case C-463/06 (*FBTO Schadeverzekeringen N.V. v. Jack Odenbreit*).

The German Federal Supreme Court (*Bundesgerichtshof*) had referred the following question to the ECJ for a preliminary ruling:

Is the reference in Article 11(2) 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 to Article 9(1)(b) of that regulation to be understood as meaning that the injured party may bring an action directly against the insurer in the courts for the place in a Member State where the injured party is domiciled, provided that such a direct action is permitted and the insurer is domiciled in a Member State?

The Court held as follows:

The reference in Article 11(2) 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 to Article 9(1)(b) of that regulation is to be interpreted as meaning that the injured party may bring an action directly against the insurer before the courts for the place in a Member State where that injured party is domiciled, provided that such a direct action is permitted and the insurer is domiciled in a Member State.

See for the full judgment the website of the ECJ and for the background of the case our previous posts which can be found [here](#) and [here](#).