

Second Judgment on Brussels II bis Regulation

Today, the ECJ delivered its second judgment on the Brussels II *bis* Regulation (C-68/07, *Sundelind Lopez*).

The case was referred to the ECJ by the Swedish Supreme Court (*Högsta Domstolen*) asking for a preliminary ruling on the **following question**:

The respondent in a case concerning divorce is neither resident in a Member State nor a citizen of a Member State. May the case be heard by a court in a Member State which does not have jurisdiction under Article 3 [of the Brussels II Regulation], even though a court in another Member State may have jurisdiction by application of one of the rules on jurisdiction set out in Article 3?

The **ECJ now held**:

Articles 6 and 7 of Council Regulation (EC) No 2201/2003 of 27 November 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, as amended by Council Regulation (EC) No 2116/2004 of 2 December 2004, as regards treaties with the Holy See, are to be interpreted as meaning that where, in divorce proceedings, a respondent is not habitually resident in a Member State and is not a national of a Member State, the courts of a Member State cannot base their jurisdiction to hear the petition on their national law, if the courts of another Member State have jurisdiction under Article 3 of that regulation.

See for the full judgment the website of the ECJ. See further also our previous post on the reference which can be found [here](#).