

Preliminary question Dutch Court on Art. 45 Brussels Regulation

In a case concerning the enforcement of a Belgian judgment in the Netherlands, between Prism Investments BV v. J.A. van der Meer qq Arilco Holland BV, the Dutch Supreme Court (HR 12 March 2010, LJN BK4932, 08/04424) referred the following question regarding Art. 45 of the Brussels Regulation to the ECJ (**Case C-139/10**)

Does Article 45 of Council Regulation (EC) No 44/2001 ¹ preclude the court with which an appeal is lodged under Article 43 or Article 44 of that regulation from refusing or revoking the declaration of enforceability on a ground, other than one of those specified in Articles 34 and 35 of that regulation, which has been advanced against enforcement of the judgment declared enforceable and which arose after that judgment had been delivered, such as the ground that there has been compliance with that judgment?