

ECJ in the case of Ellmes Property Services, C-433/19, on Article 24(1) and Article 7(1)(a) of the Brussels I bis Regulation

On 11 November 2020, the ECJ decided in the case of Ellmes Property Services, C-433/19, on Article 24(1) and Article 7(1)(a) of the Brussels I bis Regulation (for our post on AG Szpunar's Opinion on the case see [here](#)). The Court held that:

“1. Point 1 of Article 24 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that an action by which a co-owner of immovable property seeks to prohibit another co-owner of that property from carrying out changes, arbitrarily and without the consent of the other co-owners, to the designated use of his or her property subject to co-ownership, as provided for in a co-ownership agreement, must be regarded as constituting an action ‘which has as its object rights *in rem* in immovable property’ within the meaning of that provision, provided that that designated use may be relied on not only against the co-owners of that property, but also *erga omnes*, which it is for the referring court to verify.

2. Point 1(a) of Article 7 of Regulation No 1215/2012 must be interpreted as meaning that, where the designated use of immovable property subject to co-ownership provided for by a co-ownership agreement cannot be relied upon *erga omnes*, an action by which a co-owner of immovable property seeks to prohibit another co-owner of that property from carrying out changes, arbitrarily and without the consent of the other co-owners, to that designated use must be regarded as constituting an action ‘in matters relating to a contract’, within the meaning of that provision. Subject to verification by the referring court, the place of performance of the obligation on which that action is based is the place where the property is situated.”

The full text of the judgment is [here](#).