

AG Richard de la Tour on jurisdiction in private enforcement in case Volvo, C-30/20

By its preliminary question referred to the Court of Justice in the case Volvo, C-30/20, the referring court was indenting to clarify whether Article 7(2) of the Brussels I bis Regulation has to be interpreted as establishing only the international jurisdiction of the courts of the Member State for the ‘place where the harmful event occurred or may occur’ or establishing also national territorial jurisdiction. This question arose in the context of the proceedings on a follow-on action, based on the Commission’s decision, by which the applicant claims damages for loss and damage caused by certain anticompetitive practices.

In his Opinion delivered this Thursday, Advocate General Richard de la Tour not only answers the preliminary question in the affirmative (points 35 to 48) but also addresses other issues pertaining to the jurisdictional side of the private enforcement of EU competition law.

On the one hand, Advocate General explains how one should precisely determine the place where the damage occurred in order to identify the court having jurisdiction under Article 7(2) of the Brussels I bis Regulation (points 49 to 111). As he acknowledges at point 70 of the Opinion, the finding that the damage occurred within the market affected by the anticompetitive practices, is not, on its own, sufficient to identify the court having territorial jurisdiction to hear an action pertaining to these practices. For this very reason, the Opinion provides a detailed guidance on how to identify a competent court.

On the other hand, AG Richard de la Tour examines whether and to what extent the Member States are authorized to concentrate jurisdiction for the actions on anticompetitive practices (points 112 to 130).

The Opinion can be consulted here (so far the English version is not available).