



***REGULATION (EU) No 1215/2012***  
***ON JURISDICTION AND THE RECOGNITION AND ENFORCEMENT OF***  
***JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS***

WORD FORMATION TABLE

**Fill in the table, then use the words in the completed table to create sentences of your own.**

<b>Verb</b>	<b>Noun</b>	<b>Adjective</b>
enforce		
	regulation	
appeal		
defend		
apply		



## SYNONYMS

### **Fill in the blanks with synonyms or near-synonyms of the words in brackets.**

1. The report concluded that, in general, the operation of that Regulation (n. No 44/2001) is satisfactory, but that it is desirable to improve the application of certain of its provisions, to further ..... (simplify) the free circulation of judgments and to further ..... (increase) access to justice.

2. For the gradual establishment of such an area, the Union is to adopt measures relating to judicial cooperation in civil matters having ..... (international) implications, particularly when necessary for the ..... (good) functioning of the internal market.

3. Certain differences between national rules governing jurisdiction and recognition of judgments ..... (prevent) the ..... (solid) operation of the internal market.

4. In order to ..... (achieve) the objective of free circulation of judgments in civil and commercial matters, it is necessary and ..... (suitable) that the rules governing jurisdiction and the recognition and enforcement of judgments be governed by a legal instrument of the Union which is ..... (mandatory) and directly applicable.

5. When taking into account the proper administration of justice, the court of the Member State concerned should ..... (evaluate) all the circumstances of the case before it.

6. The direct enforcement in the Member State addressed of a judgment given in another Member State without a declaration of enforceability should not ..... (endanger) respect for the rights of the defence.

7. Pending a ..... (dispute) to the enforcement of a judgment, it should be possible for the courts in the Member State addressed, during the ..... (whole) proceedings relating to such a ..... (dispute), including any appeal, to ..... (permit) the enforcement to proceed subject to a ..... (restriction) of the enforcement or to the provision of security.



8. This Regulation respects fundamental rights and ..... (respects) the principles recognized in the Charter of Fundamental Rights of the European Union, in particular the right to an effective ..... (redress) and to a ..... (equitable) trial guaranteed in Article 47 of the Charter.

9. The court, or the authority responsible for service, referred to in paragraph 1, shall note, respectively, the date of the ..... (filing) of the document ..... (initiating the trial) or the equivalent document, or the date of receipt of the documents to be served.

10. The agreement conferring jurisdiction shall be [...], in international trade or commerce, in a form which ..... (agrees with) a usage of which the parties are or ought to have been ..... (conscious) and which in such trade or commerce is widely known to, and regularly observed by, parties to ..... (agreements) of the type involved in the particular trade or commerce concerned.

### VOCABULARY – MULTIPLE CHOICE

#### **Choose the right words to fill in the blanks.**

A person (A) ..... in a Member State may be sued in another Member State:

- (A) a) seated            b) living            c) domiciled            d) resident

(1) (a) in matters relating to a contract, in the courts for the place of (B) ..... of the obligation in question;

- (B) a) performing    b) performance    c) carrying out    d) respecting

(b) [...]

(2) in matters relating to (C) ....., delict or quasi-delict, in the courts for the place where the (D) ..... event occurred or may occur;



- (C) a) damage            b) damages            c) compensation        d) tort  
(D) a) harming           b) harmful            c) hurting                d) hurtful

(3) as regards a claim for (E) ..... or restitution which is based on an act giving rise to criminal proceedings, in the court seised of those proceedings, to the extent that that court has jurisdiction under its own law to entertain civil proceedings;

- (E) a) damage            b) damages            c) relief                d) redress

(4) as regards a civil claim for the (F) ....., based on ownership, of a cultural object as defined in point 1 of Article 1 of Directive 93/7/EEC initiated by the person claiming the right to (G) ..... such an object, in the courts for the place where the cultural object is situated at the time when the court is seised;

- (F) a) restoration        b) rehabilitation        c) retrieval            d) recovery  
(G) a) restore            **b) recover**            c) retrieve            d) rehabilitate

(5) as regards a (H) ..... arising out of the operations of a branch, agency or other establishment, in the courts for the place where the branch, agency or other establishment is situated;

- (H) a) dispute            b) challenge            c) suit                 d) lawsuit

(6) as regards a dispute brought against a (I) ....., trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument, or created orally and evidenced in writing, in the courts of the Member State in which the trust is domiciled;

- (I) a) settlement        b) settled            c) settler            d) settlor

(7) as regards the dispute concerning the payment of (J) ..... claimed in respect of the salvage of a cargo or freight, in the court under the authority of which the cargo or freight in question:

- (a) has been (K)..... to secure such payment; or  
(b) could have been so (K) ....., but bail or other security has been given;



provided that this provisions shall apply only if it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage.

(J) a) reward                      b) reimbursement                      c) remuneration                      d) wages

(K) a) apprehended                      b) arrested                      c) detained                      d) retained

## WORD FORMATION

### Fill in the gaps, using the clues given.

1. In relation to ..... (insure, noun), consumer and ..... (employ, noun) contracts, the weaker party should be protected by rules of jurisdiction more favourable to his interests than the general rules.

2. In the interests of the ..... (harmony, adj.) administration of justice it is necessary to minimise the possibility of concurrent proceedings and to ensure that ..... (reconcile, adj., neg.) judgments will not be given in different Member States.

3. However, in order to enhance the ..... (effective, noun) of exclusive choice-of-court agreements and to avoid abusive ..... (litigate, noun) tactics, it is necessary to provide for an exception to the general *lis pendens* rule in order to deal ..... (satisfactory, adv.) with a particular situation in which concurrent proceedings may arise.

4. In order to ensure that the ..... (certify, noun, pl.) to be used in connection with the recognition or enforcement of judgments, authentic instruments and court ..... (settle, noun, pl.) under this Regulation are kept up-to-date, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of ..... (amend, noun, pl.) to Annexes I and II to this Regulation.



5. ‘Authentic instrument’ means a document which has formally drawn up or registered as an authentic instrument in the Member State of origin and the ..... (authentic, noun) of which:

- (i) relates to the ..... (sign, noun) and the content of the instrument; and
- (ii) has been established by a public authority or other authority ..... (power, vb., past participle)

6. Persons who are not ..... (nation, noun for person, pl.) of the Member State in which they are domiciled shall be governed by the rules of jurisdiction ..... (apply, adj.) to ..... (nation, noun for person, pl.) of that Member State.

7. The following courts of a Member State shall have exclusive jurisdiction, regardless of the domicile of the parties:

(1) in proceedings which have as their object rights in rem in ..... (move, adj., neg.) property or ..... (tenant, abstract noun, pl.) of ..... (move, adj., neg.) property, the courts of the Member State in which the property is situated.

[...]

(2) in proceedings which have as their object the validity of the constitution, the ..... (null, noun) or the ..... (dissolve, noun) of companies or other legal persons or associations of natural or legal persons, or the validity of the ..... (decide, noun, pl.) of their organs, the courts of the Member State in which the company, legal person or association has its seat.



## THE PASSIVE

### **Turn the following sentences into the passive voice:**

1. The other party to the contract may bring proceedings against a consumer only in the courts of the Member State in which the consumer is domiciled.
2. In matters relating to individual contracts of employment, this Section shall determine jurisdiction[...].
3. Subject to the provisions of this Section, the law of the Member State addressed shall govern the procedure for the enforcement of judgments given in another Member State.
4. The judgment shall accompany the certificate.
5. Persons qualified to do so may defend persons domiciled in a Member State who are prosecuted in the criminal courts of another Member State of which they are not nationals for an offence which he/she did not internationally commit.

## MODALS

### **Fill in the gaps with the appropriate modal verbs (affirmative or negative forms).**

1. A defendant not domiciled in a Member State ..... in principle be subject to the national rules of jurisdiction applicable in the territory of the Member State of the court seised.
2. There ..... be a connection between proceedings to which this Regulation applies and the territory of the Member States.
3. Since the objective of this Regulation ..... be sufficiently achieved by the Member States and ..... be better achieved at Union level, the Union may adopt



measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.

4. The provisions of this Section ..... affect the right to bring a counter-claim in the court in which the defendant is domiciled, irrespective of whether he is the policyholder, the insured or a beneficiary.

5. The provisions of this Section ..... be departed from only by an agreement which is entered into after the dispute has arisen.

6. In matters relating to a contract concluded by a person, the consumer, for a purpose which ..... be regarded as being outside his trade or profession, jurisdiction ..... be determined by this Section.

7. An employer ..... bring proceedings only in the courts of the Member State in which the employee is domiciled.

8. The authentic instrument produced ..... satisfy the conditions necessary to establish its authenticity in the Member State of origin.

### PREPOSITIONS

**Insert the correct particles.**

against, for, from, in, of, on, to, under, with, within

1. The scope of this Regulation should cover all the main civil and commercial matters apart ..... certain well-defined matters, ..... particular maintenance obligations, which should be excluded ..... the scope of this Regulation.

2. A party challenging the enforcement of a judgment given in another Member State should, ..... the extent possible, [...], be able to invoke, in the same procedure, in





addition ..... the grounds for refusal provided ..... in this Regulation, the grounds for refusal available ..... national law and ..... the time-limits laid down in that law.

3. A consumer may bring proceedings ..... the other party ..... a contract either in the courts of the Member State in which that party is domiciled, or regardless ..... the domicile of the other party, in the courts ..... the place where the consumer is domiciled.

4. Where the court designated in the agreement has established jurisdiction in accordance ..... the agreement, any court of another Member State shall decline jurisdiction in favour ..... that court.

5. The court of the Member State shall dismiss the proceedings if the proceedings in the court of a third state are concluded and have resulted ..... a judgment capable ..... recognition and, where applicable, ..... enforcement in that Member State.

6. A party who wishes to invoke in a Member State a judgment given in another Member State shall produce [...] the certificate issued pursuant ..... Article 53.

7. .... the event of an application ..... refusal of enforcement of a judgment pursuant to Subsection 2 of Section 3, the court in the Member State addressed may, ..... the application of the person against whom enforcement is sought [...] make enforcement conditional ..... the provision of such security as it shall determine.

### CONNECTIVES

Choose the correct option.

1. This Regulation should provide for a flexible mechanism allowing the courts of the Member States to take into account proceedings pending before the courts of third States, considering in particular ..... a judgment of a third State will be capable of recognition



and enforcement in the Member State concerned under the law of that Member State and the proper administration of justice.

- (a) when                      b) where                      c) whether

2. The recognition of a judgment should, however, be refused ..... one or more of the grounds for refusal provided for in this Regulation are present.

- (a) only if                      b) even if                      c) although

3. Respect for international commitments entered into by the Member States should not affect conventions related to specific matters ..... the Member States are parties.

- (a) to which                      b) to whom                      c) in which

4. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond ..... is necessary in order to achieve that objective.

- (a) what                      b) whatever                      c) which

5. If the law governing such direct actions provides ..... the policyholder or the insured may be joined as a party to the action, the same court shall have jurisdiction over them.

- (a) for                      b) to                      c) that

6. Where a consumer enters into a contract with a party ..... is not domiciled in a Member State but has a branch, agency or other establishment in one of the Member States, that party shall, in disputes arising out of the operations of that branch, agency or establishment, be deemed to be domiciled in that Member State.

- (a) which                      c) who                      c) what

7. Where a defendant domiciled in one Member State is sued in a court of another Member State and does not enter an appearance, the court shall declare of its own motion that it has no jurisdiction ..... its jurisdiction is derived from the provisions of this Regulation.

- (a) if                      b) only if                      c) unless

8. For the purposes of this Section, a court shall be deemed to be seised [...] if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service, ..... the claimant has not subsequently failed to take the steps he was required to take to have the document lodged with the court.

- (a) even if                      b) provided that                      c) provided for



9. Application may be made to the courts of a Member State for such provisional, including protective, measures as may be available under the law of that Member State, ..... the courts of another Member State have jurisdiction as to the substance of the matter.

- (a) if                                      b) unless                                      c) even if

10. If a party is not domiciled in the Member State ..... courts are seised of the matter, then, in order to determine whether the party is domiciled in another Member State, the court shall apply the law of that Member State.

- (a) of which                                      b) which                                      c) whose.