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Magdalena Ličková, Legal Secretary, Chambers of Advocate General Emiliou, Court of Justice of the EU, Luxembourg, 2026

Case Scenario 3

Facts

By application lodged with [an imaginary] district court in Marseille, [imaginary] Ms Maître, who is a lawyer based in Marseille, asked that court to issue [imaginary] Mr K, residing in Hamburg, with a payment order for an amount owed to her as consideration for the legal services rendered by her in connection with legal proceedings in Germany. The district court in Marseille issued a payment order for the sum of EUR 20.000, plus interest and costs. That order was not challenged and became final. Ms Maître then requested the district court in Marseille to issue a certificate within the meaning of Article 53 of Regulation No 1215/2012, with respect to that order. At that stage, the district court realized that it should have never confirmed its international jurisdiction given that the relationship between Mr K and Ms Maître was one between a consumer and a professional.

That court is of the view that the automatic issue of the certificate within the meaning of Article 53 of Regulation No 1215/2012 under those circumstances might deprive Mr K of an effective remedy. It therefore considers submitting a question for a preliminary ruling to the Court of Justice.

Legal Framework

Pursuant to Article 4 (1) 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 (recast) 'Subject to this Regulation, persons domiciled in a Member State shall, whatever their nationality, be sued in the courts of that Member State.'

Article 17 of Regulation 1215/2012 (which makes part of Chapter II, Section 4 of that regulation) states:

1. In matters relating to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, jurisdiction shall be determined by this Section, without prejudice to Article 6 and point 5 of Article 7, if:

(a) it is a contract for the sale of goods on instalment credit terms;

(b) it is a contract for a loan repayable by instalments, or for any other form of credit, made to finance the sale of goods; or

(c) in all other cases, the contract has been concluded with a person who pursues commercial or professional activities in the Member State of the consumer's domicile or, by any means, directs such activities to that Member State or to several States including that Member State, and the contract falls within the scope of such activities.

…

Article 18 of Regulation No 1215/2012 provides:

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

2. Proceedings may be brought against a consumer by the other party to the contract only in the courts of the Member State in which the consumer is domiciled.

…'.

Pursuant to Article 45 of Regulation 1215/2012

1. On the application of any interested party, the recognition of a judgment shall be refused:

…

(e) if the judgment conflicts with:

(i) Sections 3, 4 or 5 of Chapter II where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee was the defendant; or

…

Pursuant to Article 47 (1) of Regulation No 1215/2012 'For the purposes of enforcement in a Member State of a judgment given in another Member State, the applicant shall provide the competent enforcement authority with:

a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and
b) the certificate issued pursuant to Article 53, certifying that the judgment is enforceable and containing an extract of the judgment as well as, where appropriate, relevant information on the recoverable costs of the proceedings and the calculation of interest

According to Article 53 of Regulation No 1215/2012: 'The court of origin shall, at the request of any interested party, issue the certificate using the form set out in Annex I.'

Questions to be considered:

Do you think that the Charter applies?

If so, what would be the perspective under which it could be invoked and with what practical result?

In the proceedings before the Court, based on Article 267 TFEU, Mr K wishes to submit observations. He would like also to plead his case before the Court of Justice of the European Union, in Luxembourg. Is he allowed to submit written observations? Is he entitled to a hearing and can he plead before the Court in person or does he have to be represented by a lawyer?