



C/2024/2398

8.4.2024

Judgment of the Court (Ninth Chamber) of 22 February 2024 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — MA v FCA Italy SpA, FPT Industrial SpA

(Case C-81/23, ⁽¹⁾ FCA Italy and FPT Industrial)

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 1215/2012 — Point 2 of Article 7 — Special jurisdiction in tort, delict or quasi-delict — Place where the damage occurred — Use on a vehicle of a defeat device that reduces the effectiveness of emission control systems — Contract for the sale of that vehicle concluded in a Member State other than the State in which the purchaser is domiciled and in which the manufacturer has its seat — Delivery of that vehicle and normal use of it in the Member State in which the purchaser is domiciled)

(C/2024/2398)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant in the appeal on a point of law: MA

Respondents in the appeal on a point of law: FCA Italy SpA, FPT Industrial SpA

Operative part of the judgment

Point 2 of Article 7 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

must be interpreted as meaning that, where a vehicle, allegedly equipped by its manufacturer, in a first Member State, with an unlawful defeat device that reduces the effectiveness of emission control systems, has formed the subject of a contract of sale concluded in a second Member State and has been delivered to the purchaser in a third Member State, the place where the damage occurred, within the meaning of that provision, is in the latter Member State.

⁽¹⁾ OJ C 179, 22.5.2023.