

Article 10 Jurisdiction for Torts or Delicts

- 1 A plaintiff may bring an action in tort or delict in the courts of the State -
- 1) in which the act or omission that caused injury occurred, or
 - 2) in which the injury arose, unless the defendant establishes that the person claimed to be responsible could not reasonably have foreseen that the act or omission could result in an injury of the same nature in that State.
- [2 A plaintiff may bring an action in tort or delict in the courts of the State in which the defendant has engaged in frequent or significant activity, or has [intentionally] directed such activity into that State, provided that the claim arises out of that activity.]¹
- [3 The preceding paragraphs do not apply to situations where the defendant has taken reasonable steps to avoid acting in or directing activity into that State.]
- [4 A plaintiff may also bring an action in accordance with paragraph 1 [or 2] when the act or omission, or the injury may occur.]
- 5 If an action is brought in the courts of a State only on the basis that the injury arose [or may occur] there, those courts shall have jurisdiction only in respect of the injury that occurred [or may occur] in that State, unless the injured person has his or her habitual residence in that State.

¹ When considering this provision, the scope of letter a) of paragraph 1 will have equally to be examined.