

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

COMPÉTENCE JUDICIAIRE ET EXÉCUTION
DES DÉCISIONS EN MATIÈRE CIVILE
ET COMMERCIALE

(BELGIQUE c. SUISSE)

ORDONNANCE DU 4 FÉVRIER 2010

2010

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

JURISDICTION AND ENFORCEMENT
OF JUDGMENTS IN CIVIL
AND COMMERCIAL MATTERS

(BELGIUM v. SWITZERLAND)

ORDER OF 4 FEBRUARY 2010

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ORDONNANCE

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INTERNATIONAL COURT OF JUSTICE

YEAR 2010

4 February 2010

2010
4 February
General List
No. 145JURISDICTION AND ENFORCEMENT
OF JUDGMENTS IN CIVIL
AND COMMERCIAL MATTERS

(BELGIUM v. SWITZERLAND)

ORDER

Present: *President* OWADA; *Vice-President* TOMKA; *Judges* SHI, KOROMA, BUERGENTHAL, SIMMA, ABRAHAM, KEITH, SEPÚLVEDA-AMOR, BENNOUNA, SKOTNIKOV, YUSUF, GREENWOOD; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45, paragraph 1, 48 and 49 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 21 December 2009, whereby the Kingdom of Belgium instituted proceedings against the Swiss Confederation in respect of a dispute concerning

“the interpretation and application of the Lugano Convention of 16 September 1988 on jurisdiction and the enforcement of judgments in civil and commercial matters . . . , as well as the application of the rules of general international law governing the exercise of State authority, in particular in judicial matters . . . [and relating] to the decision by Swiss courts not to recognize a judgment of the Belgian

courts and not to stay proceedings which were later initiated in Switzerland on the subject of the same dispute”;

Whereas on 21 December 2009 a certified copy of the Application was transmitted to the Swiss Confederation;

Whereas the Kingdom of Belgium has appointed Mr. Paul Rietjens as Agent; and whereas the Swiss Confederation has appointed H.E. Mr. Valentin Zellweger as Agent;

Whereas, in its Application, the Kingdom of Belgium requested that the case be heard by a chamber of the Court, in accordance with Article 26, paragraphs 2 and 3, of the Statute of the Court and Article 17 of the Rules of Court;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 4 February 2010, the Agent of the Swiss Confederation indicated that his Government preferred the case to be decided by the full Court; whereas, since Article 26, paragraph 3, of the Statute requires the agreement of the parties for a particular case to be brought before a chamber of the Court, it will be for the full Court to deal with the present case;

Whereas, in addition, at the same meeting, the Agents of the Parties indicated that, taking into account the wish of their respective Governments to see the case dealt with as soon as possible, the latter had come to an agreement that the Parties should each have a period of eight months at their disposal, from the filing of the Application, in which to prepare their respective written pleadings;

Taking into account the agreement of the Parties and the circumstances of the case,

Fixes the following time-limits for the filing of the written pleadings:

23 August 2010 for the Memorial of the Kingdom of Belgium;

25 April 2011 for the Counter-Memorial of the Swiss Confederation; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this fourth day of February, two thousand and ten, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Kingdom of Belgium and the Government of the Swiss Confederation, respectively.

(Signed) Hisashi OWADA,
President.

(Signed) Philippe COUVREUR,
Registrar.