

Competent Court for the Settlement of Disputes Arising from Non-Contractual Obligations in the Iranian and European Law

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Received: 2015/09/11 - Accepted: 2016/04/03

Abstract

In non-contractual obligations, it is doubtful whether or not an Iranian court which is located at the plaintiff's domicile is competent to proceed with the defendant having no domicile, residence or immovable property in Iran. In particular, this is the case when the event has not been occurred in Iran. In the European Union, upon enacting a regulation referred to as Rome II, the applicable law to non-contractual obligations has been specified. However this regulation is silent on the determination of the competent court. The Brussels I Convention, along with the jurisdiction of defendant's domicile venue, considers the following venues eligible: the accident venue, the insurer's domicile venue and the consumer's domicile venue. In the Iranian law, the question arises as to whether in cases that the defendant has no domicile, residence and/or immovable property, the court of the plaintiff's domicile will be competent to consider the case or the court of the place of occurring loss and/ or the court of the place of accident will also be competent. This article reviews the criteria for determining the competent court from the perspective of private international law relating to non-contractual obligations in the Iranian and European law. Finally, we discuss the ineffectiveness of Article 11 of the Civil Procedure Code and Article 971 of the Civil Code in addressing the cases related to the recent question.

Keywords: Competent Court, Non-contractual Obligations, Iranian Law, European Union.

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