

## European Law of Civil Procedure – Moot Court – Brussels I, May 6th, 2008

### Facts:

Mr. Traveller went for a vacation to Croatia. During his stay he decided to buy a new phone. One day he came across a cell phone store RUF UM NIX (read „nichts“). RUF UM NIX is one of the first branches of an Austrian phone store in Croatia. Mr. Traveller liked their great offer very much and immediately bought a new cell phone. He came back home to the Czech Republic and realized that his beautiful new cell phone does not work properly. He wanted to withdraw from the contract but he did not succeed. RUF UM NIX Croatian branch told him he was not allowed to withdraw. Mr. Traveller filed a customer complaint with the RUF UM NIX Croatian branch and requested a repair or exchange of the cell phone. He did not succeed either and therefore he decided to file a suit against RUF UM NIX.

In the RUF UM NIX general conditions of sale there is a clause prorogating the jurisdiction of Croatian courts. These conditions were expressly referred to in the text of the invoice.

Group 1 (the group with Katerina Holendova)

You are his attorney Mr. Brilliant. You should decide whether:

- 1) Mr. Traveller is entitled to withdraw from a contract.
- 2) Where you are going to file a suit.
- 3) Which law will be applicable.

Group 2 (the group with Slavomir Halla)

You are the attorney for the Croatia branch of RUF UM NIX, Mr. Erfolgreich. You should decide whether:

- 1) Mr. Traveller is entitled to withdraw from a contract.
- 2) Where you are going to be sued.
- 3) Which law will be applicable.

### Both Groups Clues:

Is Rome Convention applicable? Is Brussels Regulation applicable (be aware of the branch and consumer, non-consumer provisions)? What about the applicability of the EU directives on this case? Are there any private international law provisions in the directives? Think of both consumer and non-consumer scenario and argue for your client.

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