

Case C-115/88

Mario P. A. Reichert and Others

v

Dresdner Bank

(reference for a preliminary ruling
from the cour d'appel, Aix-en-Provence)

(Brussels Convention of 27 September 1968 — Action paulienne —
Donation of legal ownership of immovable
property — Article 16(1))

Report for the Hearing	28
Opinion of Mr Advocate General Mischo delivered on 22 November 1989	33
Judgment of the Court (Fifth Chamber), 10 January 1990	38

Summary of the Judgment

Convention on jurisdiction and the enforcement of judgments — Exclusive jurisdiction — 'Proceedings which have as their object rights in rem in immovable property' — Concept — Independent interpretation — 'Action paulienne' — Not included (Brussels Convention of 27 September 1968, Art. 16(1))

The concept of 'proceedings which have as their object rights *in rem* in immovable property' mentioned in Article 16(1) of the Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters must be given an independent interpretation. It encompasses only those actions concerning rights *in rem* in immovable property which both come within the scope of the Brussels Convention and are actions which seek to determine the extent, content, ownership or

possession of immovable property or the existence of other rights *in rem* therein and to provide the holders of those rights with the protection of the powers which attach to their interest.

It does not apply to an action whereby a creditor seeks to have a disposition of a right *in rem* in immovable property rendered ineffective as against him on the ground that it was made in fraud of his rights by his debtor.