



Court Of Appeal

Judges

**THE HON. MR. JUSTICE GIANNINO CARUANA DEMAJO
PRESIDENT
THE HON. MR JUSTICE TONIO MALLIA
THE HON. MR JUSTICE ANTHONY ELLUL**

Sitting of Thursday, 9th December, 2021.

Number: 7

Application Number: 135/2021/1 JPG

Daniel Soto Gurpide

v.

Joanna Jensen

The Court:

1. This judgment concerns the appeal filed by defendant on the 27th August 2021 from a judgment delivered by the Civil Court (Family Section) on the 29th of July 2021 regarding the recognition and enforcement in Malta of what the plaintiff refers to as a decision of a district court in Berlin, Germany.

2. From the Court file it transpires that:

2.1. Plaintiff filed an application on the 11th March 2021 (number 103/2021JPG), stating that the parties got married on the 21st of September 2006 and have two children, born on the 6th June 2008 and on the 7th January 2010. In January 2018 the parties divorced and agreed that the care and custody of the children is joint, and their place of residence would be shared between the parents. Plaintiff alleged that over time this arrangement was no longer possible since the defendant travelled for long periods to India which led them to seek a remedy from the Schoneberg District Court, Family Affairs Section. He declared that by judgment delivered on the 6th May 2020 the Court decided that the children are to reside with him wherever he resides. When plaintiff moved to Malta to work as Duty Head of Mission within the Spanish embassy, he brought the children to Malta. He also declared that in December 2020 defendant travelled to Malta and she was granted access to their children. However, on the 3rd March 2021 defendant informed him that their younger son will not return with him. He therefore filed a police report against defendant but was informed that they would take action only if there was a court order. He also declared that he had filed proceedings in terms of Council Regulation 2201/2003, and since the matter was urgent he requested the Court to grant a provisional order in terms of Article 20 of the EU Regulation and thereby: (i) order that their son be returned to the care of the plaintiff; (ii) grant to the mother

supervised access while proceedings are pending; and (iii) order the police to ensure the wellbeing and safety of the child;

2.2. On the 12th March 2021 the defendant filed an application before the same Court in the records of mediation 294/2021, explaining that the parties were divorced following a German court order dated 23rd February 2018 and that in May 2020 they had agreed that their minor children would attend school in Malta since plaintiff would be working here. She emphasised that she gave the plaintiff a temporary power of attorney for the children to attend school in Malta because due to the COVID-19 pandemic she was not in employment and also because schools in the United Kingdom were closed. She insisted however that she never relinquished the care and custody of the children. She also stated that she was in Malta in September 2020 to settle the children in school and returned in December of the same year. She alleged that at the time the mother of a fellow student of her children informed her that the children were neglected. She moreover alleged that the younger child often asked for her help because the older brother '*tormented*' him. She explained that on the 3rd of March 2021 she picked up the child from school with the assistance of the police and the child has been living with her. She claimed that in the meantime she continues to be worried for her elder son who suffers from anxiety and behavioural issues. She therefore requested the Court to: (i) order the younger son to reside with her; (ii) to authorise her to make all necessary decisions for the child's health and education; (iii) appoint a child psychologist for the child

living with the plaintiff (iv) authorise her to ask for and receive information from their school and any other educational service or professional attending to her their needs;

2.3. On the 8th April 2021 plaintiff filed these proceedings (Application number 135/21). He referred to the decision of the Schoneberg District Court (6th May 2020) and requested the Civil Court (Family Section) to *'make such orders and give such directions as it may consider appropriate for the applicant to have such decree recognised and enforced in Malta. This under those considerations it deems fit and appropriate.'*

2.4. On the 20th May 2021 defendant replied and objected to plaintiff's request, and argued:

"1. That it is true that the parties got married on the 21st September 2006 from which they have two children, Andre aged 12 and William aged 11 years;

2. That the parties obtained their divorce in 2018 whereby it was agreed that they have joint custody and that they will continue to take care of their children in an alternating manner;

3. That consequently it is true that the parties resorted to the Berlin Court for direction. That nevertheless and contrary to what is stated by the plaintiff, no decision/decreed was given regarding the residency of the minor children since the parties reached an agreement amicably by means of which a power of attorney was given by the defendant and the case was dropped.

4. That the plaintiff makes reference to the alleged decree dated 6th of May 2020. That reference is made to fol. 24 whereby the defendant agreed to give a power of attorney that the children shall have their centre of vital interests in their father's households and granted him a comprehensive power of attorney for parental care. That this power of attorney was accepted by the father who in page 3 also declared 'I agree to accept a power of attorney solution despite considerable

concerns about our liability (recte, ability) to communicate on the parental level and my concern that the mother could revoke the power of attorney at short notice.'

That even this declaration by itself, shows that a power of attorney can in itself be revoked and that this was in fact a compromise that had been sought by the parties. In fact, the court itself had observed that 'In the light of the above declarations by the children's parents, cases 90F 85/19 and 90F 116/19 are hereby settled by common accord', also indicating that the court has stood witness to the power of attorney reached. That this does not however mean, as is being erroneously indicated that the power of attorney constitutes a court decision or decree to this end;

Moreover, a closer look at the transcript attached with the court records a fol 28 also shows that the power of attorney does not have the nature of a court decision. In fact, Mr Blee declared that 'there is definitely a great danger that a revocation of the power of attorney of custody might occur' whilst the father a fol 28 also said that the power of attorney can be revoked. In fact, Mr Ames declared that the father has no guarantee that the power of attorney will not be withdrawn.

This also sheds light on the fact that this is a power of attorney, which in its nature can be revoked, as has happened in the present case and thus there is no decision/decre to be enforced.

5. That the plaintiff is also making reference to the Apostille Convention. That the reference here is incorrect since if truly a decision /decree were in place, it is the Reg 2201/2003 which applies. This regulation nonetheless states that for a decision to be declared enforceable, a certificate as found in article 39 (referring to the Annex) of the same convention should be filed. This whole principle lies on the fact that a judgment could only be declared enforceable if this is enforceable in another member state who has delivered it.

Without prejudice to the above, even if the Apostille Convention does apply in this case, the requirements needed are also missing. Reference is made to article 13(3) which states that the party seeking recognition or applying for enforcement shall furnish the court with 'all documents required to establish that the decision fulfils the conditions of sub-paragraph (2) of the first paragraph of Article 4 and where appropriate of the second paragraph of Article 4' being proof that the decision is no longer subject to the ordinary forms of review in the State of origin. That this was no [sic] in fact provided with the application in question which also sheds light on the fact that the plaintiff is trying to enforce a power of attorney, which in itself has a revocable nature.

That for these reasons, the defendant objects to the demand."

2.5. By judgment delivered on the 29th July 2021 the Civil Court (Family Section) decided:

“For these reasons, the Court upholds Applicant Daniel Soto Gurpride’s request as put forth in the general application dated 8th April 2021, and orders that the judgment of the German Court dated 23rd of February 2018 be recognised and enforced to all intents and purposes at law in accordance with Council Regulation (EC) 2201/2003 concerning the jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility AND orders that the minor child William Soto be returned to the father Daniel Soto, with whom he shall reside and this with the intervention of the social worker involved in this case and that of the Executive Police.

The Court orders that this judgment be communicated to the Child Protection Services and the Commissioner of Police.”

2.6. The reasons given by the Court were as follows:

“Although this Court is cognisant that the request put forward by Plaintiff Soto in the application de quo solely envisages the recognition and enforcement of a judgment delivered by a Court of a Member State in terms of Council Regulation (EC) 2201/2003, commonly referred to as the Brussels II Regulation, concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, in this case, a judgment of the German Courts, a matter which normally involves the automatic recognition in another Member State, the present proceedings were preceded by proceedings filed by Respondent alleging serious harm to the child of the parties William Soto Jensen [footnote: Vide Jensens’ application dated 12th March 2021 in the acts of the mediation with number 394/2021/2]. Allegations of harm to a minor child is a matter of public policy and the Court is duty bound to investigate the matter thoroughly. Indeed, according to Article 23(a) of the Council Regulation 2201/2003, one of the few grounds for non-recognition of a judgment relating to parental responsibility is precisely where:

“recognition is manifestly contrary to public policy of the Member States in which registration is sought taking into account the best interests of the child;”

Therefore, this Court, before proceeding with recognition, was in duty-bound to investigate the veracity or otherwise of the allegations of harm to a minor.

...

The Court notes that Plaintiff Daniel Soto by means of a general application dated 8th April 2021, requested the enforcement of the judgment of the German District Court of Schoenberg of the 6th May 2020 in terms of article 28(1) of Regulation 2201/2003, which provides that:

“A judgment on the exercise of parental responsibility in respect of a child given in a Member State and has been served shall be enforced in another Member State when, on application of any interested party, it has been declared enforceable there.”

Allegations of Harm and Neglect:

...

After having carefully heard all the witnesses viva voce, particularly that of the social worker Andrea Saliba, examined all the documentation submitted by both parties, and heard both minors in camera, it is this Court’s considered opinion that the allegations against Mr Soto, namely that Mr Soto has been neglecting the minors were not (sc. only) unsubstantiated but the reverse in fact is true.....

Thus, and in the light of the above considerations and of the considerations made by this Court in its decree of the same date, in the inverse names 294/2021/2, finds that all allegations of harm to the minor William Soto are not only unfounded and unsubstantiated but that the reverse is true – that is, the children have a loving a comfortable home with their father. Therefore, the Court, upholds Plaintiff Soto’s request for the recognition and enforcement of the judgment of the German Court dated 23rd February 2018, in accordance with Council Regulation (EC) 2001/2003 and thus embraces the findings and conclusions of the German Court. However, obiter, after evaluating the minor William’s inherent need for his mother’s presence, this Court urges Joanne Jensen to adhere to the German Court’s order and engage in therapy for her own benefit as well as that of her children, so as to benefit form adequate access and contact time with both her children.”

3. On the 27th August 2021 defendant appealed and complained:

“1) That the appealed decision of 29 July 2021 is null and void because the Honourable First Court failed to take cognizance of any of the pleas raised by the appellant”;

2) That the appealed decision of 29 July 2021 is null and void because the Honourable First Court failed to motivate its conclusion that the document dated 23 February 2018 filed by the applicant is a “judgment” and failed to give reasons as to why it was accepting to recognise and enforce this alleged “judgment” without the necessary certificate’; and

3) That without prejudice to the above the Honourable First Court erred at law when it accepted plaintiff's requests without the necessary certificate having been filed."

For these reasons she requested this Court to either: (i) declare the judgment of the Civil Court (Family Section) of the 29th July 2021 null and send back the records of this application back to the first Court and thereby upholding the right to a *doppio esame*, or, (ii) revoke *in toto* the judgment of the Civil Court (Family Section) of 29th July 2021 and deny applicant's request for the recognition and enforcement of the document dated 23 February 2018.

4. Plaintiff replied on the 23rd September 2021 and stated that the appeal is frivolous and vexatious, and within the context of all decisions delivered by the same court and the letter and spirit of Council Regulation 2201/2003, requested this Court to reject defendant's appeal.

Considerations.

Error in the final paragraph of the judgment.

5. The Court notes that contrary to what is stated in the final paragraph of the appealed judgment, the document which plaintiff claims to be a judgment is not dated 23rd February 2018. That date is when the parties divorced and it was agreed that the custody of the children would be joint and the children's

residence would be shared between the parties. The plaintiff based his request for the return of the younger child under his care on a decision which he said was delivered by the Schoneberg District Court in Berlin during a sitting held on the 6th May 2020. Plaintiff claims that the decision ordered that the child is to reside with him wherever that may be.

Preliminary Argument

6. The plaintiff claims that the defendant appealed from one judgment, when on the same day other decisions were delivered by the same court (applications 276/2021, 294/2021/2 and 294/2021) wherein the Court declared that all claims made by the defendant were within the German court's jurisdiction. Furthermore, the parties had reached an amicable settlement and defendant before the German court had granted him a power of attorney whereby she renounced to her care and custody of the children, and the German court declared that he had to take care of the vital interests of the children.

7. The Court confirms that there have been a number of proceedings between the parties in front of the Civil Court, Family Section and a number of decisions were delivered on the same day. However that is not an impediment to consider the issues raised by the defendant in her appeal. The plaintiff has made no convincing argument that the other decisions can in any way have an

impact on the current case, which merely deals with what the plaintiff refers to as a foreign judgment.

The Law.

8. The Court will reproduce the relevant provisions of law for the purposes of this case.

9. The Court Practice and Procedure and Good Order Rules, Subsidiary Legislation 12.09 of the Laws of Malta, provide that:

“18. (1) ... the provisions of Council Regulation (EC) No 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility continue to apply to matters falling within the scope of that Regulation ... “

10. The relevant provisions of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, are:

“Article 1

Scope

1. This Regulation shall apply, whatever the nature of the court or tribunal, in civil matters relating to:

(a) divorce, legal separation or marriage annulment;

(b) the attribution, exercise, delegation, restriction or termination of parental responsibility.

...

3. This Regulation shall not apply to:

(a) the establishment or contesting of a parent-child relationship;

...

Article 2

Definitions

For the purposes of this Regulation:

...

4. the term 'judgment' shall mean a divorce, legal separation or marriage annulment, as well as a judgment relating to parental responsibility, pronounced by a court of a Member State, whatever the judgment may be called, including a decree, order or decision;

...

CHAPTER III

RECOGNITION AND ENFORCEMENT

SECTION 1

Recognition

Article 21

Recognition of a judgment

1. A judgment given in a Member State shall be recognised in the other Member States without any special procedure being required.

...

Article 23

Grounds of non-recognition for judgments relating to parental responsibility

A judgment relating to parental responsibility shall not be recognised:

(a) if such recognition is manifestly contrary to the public policy of the Member State in which recognition is sought taking into account the best interests of the child;

...

Article 24

Prohibition of review of jurisdiction of the court of origin

The jurisdiction of the court of the Member State of origin may not be reviewed. The test of public policy referred to in Articles 22(a) and 23(a) may not be applied to the rules relating to jurisdiction set out in Articles 3 to 14.

...

Article 26

Non-review as to substance

Under no circumstances may a judgment be reviewed as to its substance.

...

SECTION 2

Application for a declaration of enforceability

Article 28

Enforceable judgments

1. A judgment on the exercise of parental responsibility in respect of a child given in a Member State which is enforceable in that Member State and has been served shall be enforced in another Member State when, on the application of any interested party, it has been declared enforceable there.

...

Article 29

Jurisdiction of local courts

1. An application for a declaration of enforceability shall be submitted to the court appearing in the list notified by each Member State to the Commission pursuant to Article 68.

2. The local jurisdiction shall be determined by reference to the place of habitual residence of the person against whom enforcement is sought or by reference to the habitual residence of any child to whom the application relates.

Where neither of the places referred to in the first subparagraph can be found in the Member State of enforcement, the local jurisdiction shall be determined by reference to the place of enforcement.

Article 30

Procedure

1. *The procedure for making the application shall be governed by the law of the Member State of enforcement.*

.....

3. *The documents referred to in Articles 37 and 39 shall be attached to the application.*

Article 31

Decision of the court

1. *The court applied to shall give its decision without delay. Neither the person against whom enforcement is sought, nor the child shall, at this stage of the proceedings, be entitled to make any submissions on the application.*

2. *The application may be refused only for one of the reasons specified in Articles 22, 23 and 24.*

3. *Under no circumstances may a judgment be reviewed as to its substance.*

...

Article 33

Appeal against the decision

1. *The decision on the application for a declaration of enforceability may be appealed against by either party.*

...

SECTION 3

Provisions common to Sections 1 and 2

Article 37

Documents

1. *A party seeking or contesting recognition or applying for a declaration of enforceability shall¹ produce:*

(a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity;

¹ Court's emphasis

and

(b) the certificate referred to in Article 39.

...

Article 38

Absence of documents

1. If the documents specified in Article 37(1)(b) or (2) are not produced, the court may specify a time for their production, accept equivalent documents or, if it considers that it has sufficient information before it, dispense with their production.

2. If the court so requires, a translation of such documents shall be furnished. The translation shall be certified by a person qualified to do so in one of the Member States.

Article 39

Certificate concerning judgments in matrimonial matters and certificate concerning judgments on parental responsibility

The competent court or authority of a Member State of origin shall, at the request of any interested party, issue a certificate using the standard form set out in Annex I (judgments in matrimonial matters) or in Annex II (judgments on parental responsibility).

SECTION 5

Authentic instruments and agreements

Article 46

Documents which have been formally drawn up or registered as authentic instruments and are enforceable in one Member State and also agreements between the parties that are enforceable in the Member State in which they were concluded shall be recognised and declared enforceable under the same conditions as judgments.”

Defendant's complaints.

11. The Court will consider jointly defendant's complaints in her appeal application.

11.1. The first Court only examined the allegations of neglect and failed to consider and decide on her other pleas. She referred to her arguments that: (i) the document which plaintiff wanted to be recognised and enforced was not a decision nor a court order since the parties had amicably settled that case whereby she gave the plaintiff a power of attorney for the care of their children, which can be revoked; and (ii) that a certificate issued in terms of Article 39 as required by Article 37 of Regulation 2201/2003 was not filed by applicant. She therefore, complained that she did not have a fair hearing.

11.2. In her second complaint she argued that the first Court did not give any reason why the decision '*dated 23 February 2018*' is a "judgment" and why plaintiff's request was upheld when he did not file the certificate mentioned in the Regulation.

11.3. Defendant's final complaint is that the first Court committed an error when plaintiff's request was upheld in the absence of the necessary certificate required by law. Furthermore, she insists that the document in question is for the most part a power of attorney which she revoked by means of a judicial letter filed on the 17th August 2021.

12. Council Regulation (EC) 2001/2003 provides for different rules for the recognition and enforcement in Member States of judgments falling within its scope. A judgment given in a Member State in matrimonial matters and the matters of parental responsibility shall be recognised in other Member States without any special procedure being required, provided that any interested party may apply for non-recognition in terms of Articles 22 and 24.² On the other hand, for the same to be declared enforceable in a Member State which is not the State of origin, the application procedure laid down in Articles 28 *et sequens* of Council Regulation (EC) No 2201/2003 must be followed.³ However both procedures require:

(a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and

(b) the certificate referred to in Article 39, that is a certificate issued by the Member State of origin on request of any interested party using the standard form set out in Annex II.⁴

13. It is clear that since the plaintiff sought the recognition and enforcement in Malta of what he refers to as a decree of the Schoneberg District Court dated 6th May 2020, he had to follow the above mentioned requirements. Contrary

² Chapter III Section 1.

³ Chapter III Section 2.

⁴ Chapter III Section 3 (Provisions common to both Sections 1 and 2).

to what the plaintiff claims, in Article 37 the word '*shall*' means that both documents are mandatory.

14. The first Court considered the allegations of harm and neglect made by the defendant, since that would have been a valid reason to reject applicant's request for recognition and enforcement (Article 23(a) and 31(2) of the Regulation). However, the first Court had in the first place to consider whether the plaintiff observed all the criteria required under Chapter III Section 3 of the Regulation, i.e. proof of authenticity and the certificate in terms of Article 39, even more so when defendant raised such issues in her reply.

15. The plaintiff argued that not all pleas that remain undecided lead to a defective judgment and in any case the first Court said that defendant's reply was seen. Furthermore, the regulation only allows for the review of an enforceability decision and not one of recognition and therefore the appeal is substantially in violation of Article 26. He also states that the definition of '*judgment*' in Article 2 should be interpreted as widely as possible in the light of Articles 1, 2 and 46 and that the power of attorney furnished by the appellant before the German Courts could have never been validly withdrawn by means of a judicial letter filed in the Maltese Courts. He insists that it is not the mandate or power of attorney given by the defendant before the German Courts that has effect in Malta but rather the German decision acknowledging, in part, that power of attorney and, as a consequence, providing that care and custody of

the minor children lie with the father. Regarding the second complaint he argued that a court is not bound to furnish reasons as to why it would have decided a claim or a demand in a particular way as long as the reasons for its decision can be understood. He said that the Regulation itself does not specify that reasons must be given when the Court chooses to dispense with the production of the certificate under Article 38, which in any case is not an essential element required *ad validitatem* to recognise a decision, and that such interpretation would render the procedure under the regulation more burdensome than it would be for non-EU Member States under Article 826 of the Code of Organisation and Civil Procedure. Finally, with respect to the third complaint he argued that the certified translation and authenticated copy of the German decision was submitted and therefore the Court had sufficient information and proceeded to dispense with the production of the certificate. Furthermore, he referred to Article 46 of the Regulation.

16. Contrary to what plaintiff is suggesting a court cannot ignore pleas raised in defendant's defence. Every judgment must conform to certain basic requirements, one of which is the giving of reasons.

17. In the present proceedings the Court did not give an order in terms of Article 38, establishing a time limit for the plaintiff to present the missing certificate. From a reading of the judgment it is crystal clear that the Court did not decide on the preliminary issues raised by the defendant, in itself is

confirmation that it did not consider such preliminary pleas. The Court based the decision on the conclusion that, from the evidence, the defendant did not prove that the plaintiff was neglecting their children.

18. In the present case, the Court of First instance acceded to applicant's request for recognition and enforcement in the absence of the certificate as per Annex II of the Regulation notwithstanding that such certificate would have attested the nature, under German law, of the document which the applicant sought to recognise and enforce. The first Court could not have tacitly dispensed with such a requirement when plaintiff pleaded that there was no foreign judgment as defined in the Regulation.

19. The Court will not consider whether the document which plaintiff sought to be enforced (the '*written statement by the Court*' of Schoneberg District of the 6th May 2020 declaring cases 90F 85/19 and 90F 116/19 '*to be settled by common accord*'⁵), is a '*judgment*' enforceable in the Member State of origin. That is a matter within the jurisdiction of the German Court. However, it is truly strange how the applicant is seeking the enforcement of a foreign judgment (which he refers to as a 'decree') delivered by a German court, and failed to produce such a basic document.

⁵ Fol. 56.

20. Lacking this information, it is neither within the remit of this Court to establish whether the judicial letter filed by the appellant on the 17th August 2021 could have validly revoked the content of the document in question.

21. The plaintiff also contends that the Regulation in question is meant to simplify, not complicate, what is otherwise the procedure for non-EU Member States in terms of Article 826 of the Code of Organisation and Civil Procedure. Under the procedure contemplated in the Code of Organization and Civil Procedure, the Court would still be required to ascertain that there is a *res judicata* judgment delivered by a competent court outside Malta. The difference is that under the Regulation, in order to simplify matters, there is a standard form which can be issued by the Member State of origin at the request of an interested party, which would confirm that the document in question is indeed an enforceable judgment in the Member State of origin together with all the necessary information which is required for the practical enforcement thereof in the requested Member State.

22. The plaintiff gave no reason why he did not produce the certificate. Proceedings before the first Court lasted four months, which was certainly sufficient for the plaintiff to acquire the certificate and present it.

23. In default of the certificate or any valid reason for dispensing with such a requirement, the first Court should not have concluded that the “..... *judgment of the German Court dated 23rd February 2018, be recognised and enforced to*

all intents and purposes at law in accordance with Council Regulation (EC) 2201/2003". The Court confirms that in this particular case a certificate issued by the German authorities in terms of the relevant article of Regulation 2201/2003 was essential.

24. Plaintiff's arguments based on Articles 26 and 46 are also unfounded. As regards Article 26 it simply prohibits the review in substance of the foreign judgment. This is certainly not the case in the present judgment. On the other hand article 46, states that documents which have been formally drawn up or registered as authentic instruments and are enforceable in one Member State and also agreements between the parties that are enforceable in the Member State in which they were concluded, shall be recognised and declared enforceable under the same conditions as judgments. However:

(i) in his application the plaintiff requested the court to recognize and enforce in Malta a '*decree*' issued by the Schoneberg District Court (Family Matters Division), and certainly not the enforcement of an agreement between the parties in terms of Article 46; and,

(ii) Art. 46 still requires adherence to the same conditions applicable to judgments.

Decision.

Therefore the Court upholds defendant's appeal and revokes the judgment delivered by the Civil Court (Family Section) on the 29th July 2021. For the above-mentioned reasons the Court rejects plaintiff's request filed on the 8th April 2021 for the recognition and enforcement of the document he refers to as a decree issued by the Schoneberg District Court (Family Matters Division), Germany. All costs are at the plaintiff's charge.

Giannino Caruana Demajo
President

Tonio Mallia
Judge

Anthony Ellul
Judge

Deputy Registrar
gr