In the name of the King

JUDGMENT

AMSTERDAM DISTRICT COURT

Civil law

Case number: C/13/771545 / HA ZA 25-1227

Interlocutory judgment of 3 June 2026

in the case of

STICHTING GREENPEACE COUNCIL,
now known as: STICHTING GREENPEACE INTERNATIONAL,
established in Amsterdam,
claimant in the main proceedings,
defendant in the interlocutory proceedings,
hereinafter referred to as: GPI,
legal representative: Mr E.W. Jurjens,

against

the legal entities incorporated under foreign law
1. ENERGY TRANSFER LP,
2. ENERGY TRANSFER OPERATING, L.P.,
3. DAKOTA ACCESS LLC,
all incorporated in Delaware (United States of America), with offices in Dallas and Houston, Texas (United States of America) respectively,
defendants in the main proceedings,
claimants in the interlocutory proceedings,
hereinafter collectively referred to as: ET,
legal representative: Mr J.H. Duyvensz,

1. The Proceedings

1.1. The course of the proceedings is evidenced by:

– the writ of summons of 11 February 2025, with exhibits,

– the substituted procedural document of the interlocutory conclusion seeking a plea of lack of jurisdiction combined with lis pendens, with exhibits,

– the statement of defence in the interlocutory proceedings seeking a plea of lack of jurisdiction combined with lis pendens, with exhibits,

– the email of 11 December 2025 from this court in which an oral hearing in the interlocutory proceedings was ordered (at the request of the parties),

– the deed recording the amendment of GPI's statutory name,

– the deed submitting exhibits 55 to 58 of GPI,

– the deed submitting exhibits 74 to 108 of ET,

– the official record of the oral hearing held on 16 April 2026 and the procedural acts and documents recorded therein,

– the letter of 12 May 2026 from Mr Jurjens with additions to the official record,

– the letter of 13 May 2026 from Mr Duyvensz with additions to the official record.

1.2. Of the additional exhibits 55 to 58 of GPI, exhibits 56 and 57 have been admitted for consideration in the interlocutory proceedings. Of the additional exhibits 74 to 108 of ET, exhibits 96, 99, 100 to 102, and 105 to 107 have been admitted for consideration in the interlocutory proceedings.

1.3. Judgment has subsequently been given in the interlocutory proceedings.

2. The Facts in the Interlocutory Proceedings

2.1. GPI's statutory purpose is to promote nature conservation. GPI holds an ANBI[1] status in the Netherlands. GPI has developed a long-term strategic campaign programme for actions and activities that serve its statutory purpose.

2.2. GPI coordinates the Greenpeace network, consisting of independent national and regional organisations worldwide. The national and regional organisations are administratively independent of GPI and, on the basis of the strategic campaign programme, independently develop projects which they carry out in their country or region. In doing so, the national and regional organisations may receive support from GPI.

2.3. Defendants 1 and 2 have as their core activity the transportation and storage of fuels such as gas and oil and are the owners of one of the largest pipeline systems in the United States of America (US). Defendant 3 is a joint venture of which defendant 1 is the principal partner. Defendant 3 is the owner and operator of the underground oil pipeline known as the Dakota Access Pipeline (hereinafter: DAPL).

2.4. In 2014, ET (the three defendants jointly) began preparations for the construction of the nearly 2,000 km long DAPL, which runs from North Dakota to Illinois. This oil pipeline crosses the Missouri River less than one kilometre from the current reservation of the Standing Rock Sioux Tribe and runs via a tunnel beneath Lake Oahe (a reservoir on the Missouri River). The Standing Rock Sioux Tribe has expressed concerns about the construction of DAPL, fearing for its water supply and the potential damage to ancient burial grounds or other sites of cultural or historical significance.

2.5. In 2016, the Dutch NGO BankTrack sent an open letter to a number of financiers (internationally operating banks), calling on them to pause the financing of DAPL until the concerns of the Standing Rock Sioux Tribe had been addressed. GPI co-signed that letter, together with more than 500 other organisations.

2.6. On 22 August 2017, following the completion of DAPL, ET published an article on the internet announcing its intention to bring legal proceedings against, inter alia, GPI. The text of that article reads:

> "(...) [ET, court] today filed a federal lawsuit in the United States District Court for the District of North Dakota against Greenpeace International, Greenpeace Inc., Greenpeace Fund, Inc., BankTrack, Earth First!, and other organizations and individuals. The Complaint (...) alleges that this group of co-conspirators (the "Enterprise") manufactured and disseminated materially false and misleading information about Energy Transfer and the Dakota Access Pipeline ("DAPL") for the purpose of fraudulently inducing donations, interfering with pipeline construction activities and damaging Energy Transfer's critical business and financial relationships. The Complaint also alleges that the Enterprise incited, funded, and facilitated crimes and acts of terrorism to further these objectives. It further alleges claims that these actions violated federal and state racketeering statutes, defamation, and constituted defamation and tortious interference under North Dakota law.
>
> The alleged Enterprise is comprised of rogue environmental groups and militant individuals who employ a pattern of criminal activity and a campaign of misinformation for purposes of increasing donations and advancing their political or business agendas. The Complaint describes the Enterprise's misinformation campaign that aggressively targeted Energy Transfer's critical business relationships, including the financing sources for DAPL and Energy Transfer's other infrastructure projects, by publicly demanding these financial institutions sever ties with Energy Transfer or face crippling boycotts and other illegal attacks.
>
> The Complaint asserts that the attacks were calculated and thoroughly irresponsible, causing enormous harm to people and property along the pipeline's route. Dakota Access was a legally permitted project that underwent

nearly three years of rigorous environmental review and for this reason, Energy Transfer believes it has an obligation to its shareholders, partners, stakeholders and all those negatively impacted by the violence and destruction intentionally incited by the defendants to file this lawsuit.

The DAPL misinformation campaign was predicated on a series of false, alarmist, and sensational claims that plaintiffs:

- encroached on tribal treaty lands;
- desecrated sacred sites of the Standing Rock Sioux Tribe's ("SRST") in constructing DAPL;
- constructed DAPL without consulting with and over the rights and objections of SRST; and
- used excessive and illegal force against peaceful protestors.

The Enterprise also claimed that the pipeline will inevitably result in catastrophic oil spills, poisoned water, and massive climate change, while ironically, members of the Enterprise deliberately and maliciously attempted to cut holes in the pipeline with torches which, if successful, would have resulted in significant environmental damage and possible loss of life.

The Enterprise supported these false claims with manufactured evidence, including phony GPS coordinates purporting to show the existence of cultural and religious artifacts along DAPL's corridor, and sham affidavits submitted in court.

In addition to its misinformation campaign, the Enterprise directly and indirectly funded eco-terrorists on the ground in North Dakota. These groups formed their own outlaw camp among peaceful protestors gathered near Lake Oahe, and exploited the peaceful activities of these groups to further the Enterprise's corrupt agenda by inducing and directing violent and destructive attacks against law enforcement as well as Plaintiffs' property and personnel. The Enterprise then flagrantly manipulated these "made-for-TV" events to raise more funds for the Enterprise. These terrorist groups also funded their activities and the Enterprise by using donations to fund a lucrative drug trafficking scheme inside the camps.

Other illegal activities directed at Energy Transfer and its executives that are alleged in the Complaint include persistent attempted cyber-attacks and telephonic and electronic threats to the physical safety of executives.

The Enterprise has conceded that their campaign has inflicted "hundreds of millions of dollars of damage to the Company," including increased costs of financing resulting from the Enterprise's interference with the Company's financial relationships and mitigation costs in response to the Enterprise's

illegal and malicious campaign. These damages, as well as the harm to the Company's reputation, resulting from the Enterprise's misinformation campaign, continue to this day. Energy Transfer is seeking compensatory damages in an amount to be proven at trial as well as treble and punitive damages. (...)"

2.7. On 22 August 2017, ET instituted legal proceedings against, inter alia, GPI before the federal court of North Dakota, as stated in the above article and on similar or identical grounds (hereinafter: the Federal Lawsuit). In this Federal Lawsuit, ET relies on the federal law of North Dakota, specifically the Racketeer Influenced and Corrupt Organizations Act (hereinafter: RICO Act).

2.8. The (then) CEO of ET was interviewed by (Brian Sullivan of) television channel CNBC about the institution of these proceedings. That CEO stated at the time:

"(...) But, you know, Brian, what happened to us here was tragic. I mean, that lies were being told, tens of millions of dollars were being raised by Greenpeace and others based on these lies. That - it's clear. I mean, that the facts will show that they knew that the things that they were saying about us were inaccurate, things like we were on, uh, Indian property. Things that we didn't communicate with the Standing Rock Sioux, things like that. I mean it was just crazy stuff that they were saying, and we were greatly harmed by that, Brian, and we're, we're angry.

(...)

Well, they, first of all, they torched a lot of our equipment costing us millions of dollars. They attempted to cut holes in our pipeline. And Brian, think about that, I mean, here's some people that are saying we're going to poison their water, and they're trying to cut holes in our pipeline so that it will leak, so that they can say that 'yeah look, look what you did'. I mean, they - and not only that, our project was delayed by let's say about 90 days, and we lost millions of dollars as a result of this. And Brian, we've got to do something. It's, it's, everybody's afraid of these environmental groups and the fear that it may look wrong if you, if you, fight back with these people, but what they did to us is wrong and they are going to pay for it.

(...)

I am not afraid of these people at all. And, and I will tell you, they, they're, they're going to pay for this, they're going to pay for this. The facts are good, and this can't be allowed to happen. They're doing this elsewhere in the country, same cast of characters, and somebody's gotta stand up and we-we chose to do that. (...)"

2.9. This CEO of ET expressed himself in comparable terms about GPI in other interviews with television channels.

2.10. In its judgment of 14 February 2019, the federal court of North Dakota dismissed ET's claims on the grounds that it had wrongly invoked the RICO Act.

2.11. On 21 February 2019, ET instituted legal proceedings against, inter alia, GPI and local Greenpeace entities before the Morton County District Court in North Dakota (hereinafter: the State Lawsuit). In the State Lawsuit, ET claimed damages of USD 300 million, plus a sum for so-called “exemplary damages”, which may amount to twice the awarded sum of claimed damages.

2.12. The State Lawsuit was brought by ET on the basis of tortious conduct, in which GPI is accused inter alia of:

– creating an “unlawful and violent scheme to cause financial harm”,

– having an extremist agenda through “means far outside the bounds of democratic political action, protest and peaceful, legally protected expression or dissent” and “militant direct action”,

– establishing a “large-scale, intentional dissemination of misinformation and outright falsehoods regarding [ET, court] (...)”, and “a defamatory campaign to interfere with and (...) destroy [ET’s, court] relationships with investors, financiers and other constituents”,

– committing “violent attacks against Plaintiff’s [ET, court] employees and property”,

– making defamatory statements about ET,

– engaging in various acts such as trespass, nuisance, vandalism, threats, sabotage, unlawful entry onto land, inciting others to enter land, assisting other demonstrators, unlawfully interfering with ET’s business relationships, and civil conspiracy with the other defendants to achieve all of this.

2.13. The jury and the judge have since rendered their verdict in the State Lawsuit. GPI was found liable therein for its participation in the campaign to persuade financiers to withdraw from DAPL and for promoting demonstrations against the construction of DAPL in which unlawful protests were carried out against the construction of DAPL. This concerns the accusations in ET’s writ of summons of: ‘conspiracy’, ‘defamation’ and ‘tortious business interference’. The defendants jointly were ordered to pay compensation in the amount of USD 345,000,000, with GPI’s share set at USD 64,357,100. GPI has announced that it will file a Motion for a New Trial, and ET has announced that it will appeal the judgment of the Morton County District Court.

2.14. The announcement of 22 August 2017 (see paragraph 2.6 above) was also made available in 2025 on the website managed by ET entitled “GREENPEACE LAWSUIT: THE FACTS ABOUT ENERGY TRANSFER PARTNERS VS. GREENPEACE”.

2.15. Since the writ of summons in these proceedings, ET has expressed opinions about GPI in various publications that are comparable to the article about the Federal Lawsuit and ET's positions in the State Lawsuit. ET's US lawyer also expressed himself in those terms about GPI in website articles from March 2025.

2.16. In July 2025, ET requested the court in the State Lawsuit to issue an order requiring GPI to stay these proceedings before this court (known in the US as an 'anti-suit injunction'). This request was dismissed by the Morton County District Court by judgment of 9 September 2025. ET has lodged an appeal against that decision.

3. The Dispute

In the main proceedings

3.1. GPI demands – in summary – a declaration that:

– ET's conduct towards GPI, including the institution of the Federal Lawsuit and the State Lawsuit and the making of false statements about GPI, constitutes an unlawful act against GPI, and

– ET has abused its rights by instituting the Federal Lawsuit and the State Lawsuit and that these proceedings qualify as SLAPP[2] proceedings within the meaning of Directive 2024/1069[3] (the SLAPP Directive);

and further an order for ET to:

– pay damages (to be assessed in separate proceedings),

– publish the judgment in the English language on its website,

– publish a press release on its website containing – in brief – an explanation of the outcome of these proceedings, and

– pay the full costs of the proceedings.

3.2. In support thereof, GPI argues – in broad outline, insofar as relevant in these interlocutory proceedings – that ET has instituted so-called SLAPP proceedings against GPI in North Dakota (the Federal Lawsuit and the State Lawsuit) and, after service of the writ of summons in these proceedings, the anti-suit injunction and the appeal against the dismissal thereof. GPI merely co-signed the BankTrack letter and thus participated in the public debate about the construction of DAPL. In doing so, GPI exercised its freedom of expression (Article 10 ECHR[4]). ET may not attempt to restrict that freedom of expression by instituting lengthy and costly judicial proceedings in its home country in which, moreover, very high damages are sought. The judicial proceedings in North Dakota are unfounded because ET, without any factual basis, accuses GPI of:

– making false statements about ET and DAPL,

– having extremist and terrorist objectives, and

– committing various criminal offences which GPI has not committed.

ET has also made unfounded accusations against GPI in publications on the internet that can also be read in the Netherlands and in television interviews. All of this qualifies as abuse of rights (Articles 6:162 and 3:13 Dutch Civil Code). According to the draft legislation implementing the SLAPP Directive and the (draft) Explanatory Memorandum (EM) thereto,[5] Dutch substantive law already satisfies what the SLAPP Directive requires of Member States. The provisions of that Directive were therefore already in force as applicable law in the Netherlands. GPI may therefore invoke the SLAPP Directive, or in any event a directive-consistent interpretation of the aforementioned provisions.

The EM of the draft legislation implementing the SLAPP Directive also states that Article 17(1) of that Directive requires no transposition because Dutch procedural law already provides for the jurisdiction of the Dutch court in Article 6(e) of the Code of Civil Procedure. According to the EM, in the event of a SLAPP in a third country directed against a person domiciled in the Netherlands, it may be assumed that the direct damage occurs (also) in the Netherlands. The Dutch court therefore has jurisdiction because it must be assumed that GPI suffers damage (also, or at any rate) in the Netherlands, which is the centre of its interests.

GPI is suffering damage in the Netherlands as a result of the proceedings in North Dakota and ET's statements. This concerns financial damage, namely the costs of lawyers and external experts in the US, travel and accommodation expenses for GPI employees in respect of procedural acts in the US that GPI must pay, and potentially a lower contribution from the US Greenpeace entities to GPI. In addition, GPI has assembled teams and projects to respond to the lawsuits and to defend GPI's reputation and freedom of expression; the employees participating in these teams, projects and campaigns are unable to carry out their normal work in furtherance of GPI's statutory purpose (nature conservation), which leads to frustration of GPI's idealistic objective. This also affects the fulfilment of GPI's objectives in other parts of the world.

GPI is also suffering reputational damage as a result of the US lawsuits and ET's statements on the internet. That reputational damage is suffered in Amsterdam, the centre of GPI's interests.[6] Since its founding, it has been established and maintains its offices in Amsterdam. Moreover, it fulfils its statutory obligations in Amsterdam for an NGO with ANBI status, and Dutch law is applicable to many of the agreements concluded by GPI (employment contracts with employees and licence agreements for the use of GPI's trademarks). This court therefore has jurisdiction over GPI's claims against ET, still according to GPI.

In the interlocutory proceedings

3.3. ET claims primarily that this court should declare itself without jurisdiction to hear GPI's claims (against ET), or (in the alternative) that the court should:

(i) stay these proceedings until a final and irrevocable judgment has been rendered in the State Lawsuit or a subsequent appeal has become final and legally binding, and

(ii) declare itself without jurisdiction to hear GPI's claims (against ET) once that aforementioned final and legally binding judgment has been rendered.

Each with an order for costs, plus statutory interest as referred to in Article 6:119 Dutch Civil Code.

3.4. In support thereof, ET argues – in brief – that the SLAPP Directive entered into force in 2024 and had to be implemented into national legislation by 7 May 2026. The SLAPP Directive has no retroactive effect and therefore does not apply to the Federal Lawsuit instituted in 2017 or the State Lawsuit commenced in 2019. The jurisdiction of this court must in this case be determined on the basis of Article 6(e) Code of Civil Procedure. That requirement is not satisfied. The harmful events alleged by GPI occurred in North Dakota, the US (Handlungsort). Whether this court has jurisdiction on the grounds of damage alleged to have occurred in the Netherlands (Erfolgsort) must be assessed against the case law of the CJEU on Article 7(2) of Brussels I Recast. It follows therefrom that not every place where the alleged harmful consequences of damage actually occurring elsewhere are felt can be characterised as the place where the harmful event occurred. In this case, in which there is merely (allegedly) pure financial damage as a consequence of damage initially occurring in the US, the Netherlands does not qualify as Erfolgsort, unless there are other special circumstances of the case that justify jurisdiction.[7] Such special circumstances must have occurred in the Netherlands, or be perceptible there, and there must be a causal connection between those incidental circumstances and ET's alleged unlawful act. GPI has not alleged this, or has not sufficiently substantiated it. GPI's arguments relate merely to financial damage (purely economic) or to consequential damage from the costs incurred in connection with the proceedings in the US. The question also arises as to whether GPI itself paid the legal costs for the proceedings in the US.

Nothing has been established to show that GPI is required to spend a disproportionate amount of time on the US proceedings, leaving less scope for fulfilling its objectives. Even then, this is a consequence of the alleged damage-causing event that took place in the US.

With regard to the alleged reputational damage, any reputational harm occurs in the US, where the alleged SLAPPs have been instituted. Furthermore, it is necessary to establish the centre of GPI's interests. In cases where the majority of activities are carried out in a Member State other than the statutory seat, as is the case with GPI, it stands to reason that a court of that other Member State is best placed to rule on the alleged impairment of reputation.[8] GPI is a globally operating organisation which coordinates its national organisations in the execution of its objectives and provides assistance to national and regional organisations throughout the world, as demonstrated in the anti-DAPL protests in the US. Moreover, most of GPI's employees work outside the Netherlands. There is therefore no centre of GPI's interests to be located in Amsterdam.

3.5. Insofar as this court considers itself to have jurisdiction, these proceedings should be stayed until a final and irrevocable judgment has been rendered in the State Lawsuit. Both sets of proceedings are between the same parties and concern the same subject

matter. These proceedings concern the question whether ET's claims in the State Lawsuit are manifestly unfounded or constitute abuse of rights. The State Lawsuit concerns the question whether ET has a sound basis for its claims against GPI for compensation of the damage suffered by ET. Both sets of proceedings thus raise the question whether ET has a well-founded claim. This is the same subject matter. Moreover, there is a risk of conflicting decisions from the two courts. Article 12 Code of Civil Procedure [1] provides that in such a case the court may stay the Dutch proceedings (which were instituted later) and should subsequently declare itself to lack jurisdiction if a final judgment is rendered in the US proceedings that proves to be capable of recognition and enforcement in the Netherlands, so ET consistently argues.

3.6. GPI offers a defence in accordance with its positions in the main proceedings on the jurisdiction of this court. It adds that the legislature, in formulating Article 6(e) Code of Civil Procedure, intended to leave the Dutch court scope to decide for itself whether it wishes to follow the CJEU's interpretation of Article 7(2) of Brussels I Recast, so that this article must be interpreted in conformity with the SLAPP Directive. Although the mere fact of suffering damage on a Dutch bank account is insufficient for assuming jurisdiction pursuant to Article 6(e) Code of Civil Procedure, there are numerous other elements on the basis of which this case is connected to the Dutch legal sphere. In that regard, GPI argues inter alia that GPI's director has given a (witness) statement in the Netherlands in the State Lawsuit, and that that director and other members of GPI's management team in the Netherlands spend a large part of their time directing lawyers and legal counsel, programme teams and operational teams dealing with responses to the State Lawsuit, at the expense of GPI's core tasks. Furthermore, GPI has imposed a hiring freeze in the Netherlands because of the high costs of the proceedings in the US. Finally, there is intangible damage suffered by GPI's employees in the Netherlands who experience a great deal of stress and anxiety from the manner in which ET behaves towards GPI. By virtue of the close connection with the Dutch legal sphere, it was clearly foreseeable for ET that it could be sued in the Netherlands.

Furthermore, with regard to the reputational damage it suffers as a result of online statements, GPI refers to settled case law of the CJEU, which holds that full damages may be claimed before the court of the centre of interests of the claimant.[12]

3.7. According to GPI, ET's reliance on Article 12 of the Code of Civil Procedure (Code of Civil Procedure) is misplaced. These proceedings concern a different subject matter from the State Lawsuit. In the State Lawsuit, ET relies on applicable legal rules of North Dakota, and the central question is whether the protest actions against the DAPL led to damage for ET and what GPI's role in those protest actions was. These proceedings concern ET's conduct towards GPI under Dutch law (in conjunction with European law). GPI seeks protection in these proceedings against ET's unlawful conduct in these proceedings, including the Federal Lawsuit. The two sets of proceedings therefore do not concern the same subject matter, so there is no reason to stay these proceedings until a final judgment has been rendered in the State Lawsuit or the appeal that will be lodged therein, so GPI consistently argues.

GPI requests the court to order ET, by judgment enforceable on a provisional basis, to pay the full costs of the interlocutory proceedings, plus statutory interest from 14 days after today.

3.8. The parties' arguments will be addressed in further detail below, insofar as relevant.

4. The Assessment

In the interlocutory proceedings

Introductory remarks

4.1. GPI expressly argues in these proceedings that ET instituted the two lawsuits in North Dakota as strategic lawsuits against GPI's public participation in the public debate on DAPL. That constitutes, in the circumstances, abuse of rights or is otherwise unlawful, so GPI argues. These proceedings therefore concern (primarily) the alleged unlawfulness of lawsuits that were instituted in a country outside the EU with the aim of making it impossible for the opposing party to participate in a public debate.

4.2. The main proceedings expressly do not concern the recognition and enforcement of a US judgment in the Netherlands.

4.3. ET is domiciled in the US, so that this is an international dispute. The question is whether this court has jurisdiction over GPI's claims against ET on the basis of special jurisdictional rules, as determined in Brussels I Recast[13] and the Code of Civil Procedure. In this specific case, GPI has based its claims and the alleged jurisdiction of this court partly on the SLAPP Directive. That matter is addressed first.

The SLAPP Directive does not apply in this case

4.4. The SLAPP Directive entered into force on 6 May 2024 (see Article 23 of the SLAPP Directive) and Member States are required to enact the necessary legislative and administrative provisions to comply with the Directive by 7 May 2026 at the latest (see Article 22 of the SLAPP Directive). The government has submitted a draft Act to that effect, which is still being considered by the House of Representatives.

4.5. Article 17 of the SLAPP Directive contains a provision on the court with jurisdiction, which reads as follows:

> **"Article 17**
>
> **Jurisdiction for actions related to third-country proceedings**

1. Member States shall ensure that, where abusive court proceedings against public participation have been brought by a claimant domiciled outside the Union in a court or tribunal of a third-country against a natural or legal person domiciled in a Member State, that person may seek, in the courts or tribunals of the place where that person is domiciled, compensation for the damage and the costs incurred in connection with the proceedings before the court or tribunal of the third-country.

2. Member States may limit the exercise of jurisdiction under paragraph 1 while proceedings are still pending in the third-country."

4.6. The EM of the draft legislation implementing the SLAPP Directive[14] states inter alia the following:

"With the exception of the measure in this directive regarding security for costs and damages, Dutch (procedural) law already provides for the procedural safeguards prescribed by the directive. No separate implementation is therefore required for this."

The EM states the following under the heading "Article 17 of the Directive"[15]:

"By virtue of this provision, Member States must ensure that, if a SLAPP has been instituted by a claimant domiciled or established outside the Union before a court in a third country against a SLAPP target domiciled in a Member State, that SLAPP target may bring a claim before a court of their place of domicile or establishment for compensation for the damage and costs incurred in connection with the proceedings before the court in the third country. Dutch law already provides for this.

The Dutch rules connect to Article 7(2) of Brussels I Recast and the equivalent Article 6(e) Code of Civil Procedure, for cases in which Brussels I Recast does not apply. On the basis of settled case law of the Court of Justice of the European Union (hereinafter: CJEU) on Article 7(2) of that Regulation (which provides that in the case of a tort, the court of the place where the harmful event occurred has jurisdiction), that provision covers both the place where the damage-causing event occurred (the Handlungsort) and the place where the direct damage occurred (the Erfolgsort). In the case of SLAPPs in a third country brought against a person domiciled in the Netherlands, it is readily foreseeable that both material damage (including the costs of the proceedings) and immaterial damage will be suffered by the person against whom the SLAPP is directed. In the case of purely financial damage, the CJEU requires additional special circumstances for the assumption of jurisdiction, besides the bank account in the domicile of the claimant. [footnote 26] If that is the case, the court of the place of the financial damage may assume jurisdiction. Such other special circumstances in the context of the directive in the case of a SLAPP instituted abroad could for example be: the fact that participation in the

public debate was carried out from that place of domicile, or that the injured party never even set foot in the country where the SLAPP was brought. In such cases, it may be assumed that the direct damage for that person occurs (also) in the Netherlands, so that a competent court exists in the Netherlands before which a SLAPP target can claim the aforementioned compensation. For immaterial damage, it is even more appropriate to assume that this occurs at the place of domicile of the person against whom the SLAPP is directed. This means that for the implementation of Article 17 of the directive, a provision has already been made.

Pursuant to the second paragraph of Article 17 of the directive, Member States may restrict the possibility of claiming compensation in the Member State of the SLAPP target for as long as proceedings are pending in a third country. This possibility is not used, because there is no reason to restrict the possibilities available to potential SLAPP targets in this regard.

[footnote 26: CJEU 16 June 2016, Universal Music International Holding BV v Michael Tétreault Schilling et al., C-12/15, ECLI:EU:C:2016:449, paragraphs 38-40.]

4.7. A directive has no direct effect. This means that only the national legislation enacted on the basis of the directive can be invoked. To date, the SLAPP Directive has not been implemented into Dutch law. Once the transposition period has expired, the court does have an obligation to interpret national law in conformity with the directive, even if the directive has not yet been transposed into national law.

4.8. In this case, however, directive-consistent interpretation is also not possible, because the SLAPP Directive has no retroactive effect. This means that it cannot be relied upon in respect of events that occurred before the SLAPP Directive entered into force. To the extent that the requested declaration concerns the institution of the Federal Lawsuit and the State Lawsuit, these are events that took place in 2017 and 2019 respectively, i.e. before the SLAPP Directive entered into force in 2024.

4.9. This raises the question of what significance should be attached to the passages from the EM cited in paragraph 4.6 above. It could indeed be inferred therefrom that Article 17 of the SLAPP Directive already constitutes applicable Dutch law and therefore possibly was so already in 2017 and 2019.

This is, however, incorrect. The EM incorrectly states that Article 17 of the SLAPP Directive requires no implementation. Recital 44 of the SLAPP Directive makes clear that this concerns a new special jurisdictional rule, which therefore applies as lex specialis in relation to existing jurisdictional rules, such as Article 7(2) of Brussels I Recast and Article 6(e) of the Code of Civil Procedure (Code of Civil Procedure). This Recital reads:

“(44) This Directive provides for a new special jurisdictional rule in order to ensure that parties targeted by SLAPP in the Union have an effective remedy against abusive court proceedings directed against public participation in

proceedings that are pending before a court in a third country brought by a claimant domiciled or established outside the Union. (...)"

4.10. The difference from the existing jurisdictional rules is reflected in the cited passage: according to Article 17 of the SLAPP Directive, the mere fact of being domiciled or established in a Member State of the EU is sufficient to assume jurisdiction in a SLAPP case; under the existing jurisdictional rules, the court can only assume jurisdiction if it concerns a tort whose Handlungsort or Erfolgsort is situated in the relevant Member State. According to the settled case law cited in the EM, for that purpose financial damage on a bank account in a Member State of the EU is not sufficient. The EM gives examples of incidental circumstances in which it could be assumed, in a SLAPP case, that jurisdiction can be assumed on the basis of Article 7(2) of Brussels I Recast (or Article 6(e) Code of Civil Procedure). This makes clear that, according to the EM, those incidental circumstances are required under applicable law, whereby applicable law deviates from Article 17 of the SLAPP Directive.

4.11. The foregoing leads to the conclusion that the SLAPP Directive cannot find application in this case and cannot play a role via directive-consistent interpretation, whilst it equally cannot be assumed that Article 17 of the SLAPP Directive already constitutes applicable law in the Netherlands.

Jurisdiction in international disputes

4.12. As already considered under paragraph 4.3 above, this is an international dispute because ET is domiciled in the US. GPI bases the requested declaration that Energy Transfer's conduct towards GPI is unlawful on two grounds:

- the institution of the Federal Lawsuit and the State Lawsuit,
- the making of false statements.

4.13. The jurisdiction of this court must therefore be determined on the basis of Article 6(e) Code of Civil Procedure.

4.14. In the introduction and subsequent amendments of Articles 1 to 14 Code of Civil Procedure, the Dutch legislature sought to align with, inter alia, the predecessors[17] of Brussels I Recast. In interpreting the rules in the Code of Civil Procedure on jurisdiction, reference should therefore in principle be made to the case law of the CJEU on (the predecessors of) Brussels I Recast. This is different only if it is plausible that the Dutch legislature intended to deviate, in establishing a common rule, from the EU instruments or the interpretation thereof by the CJEU. Both legal rules proceed from the same starting point: the place where the harmful event occurred or could occur (the Handlungsort) and the place where the direct damage occurred (the Erfolgsort). The difference between the Dutch and European legal rule on jurisdiction for claims arising from tort is: under the Dutch rule (Article 6(e) Code of Civil Procedure), the Dutch court has jurisdiction if the harmful event occurred (or could occur) in the Netherlands, whilst

under the European rule (Article 7(2) of Brussels I Recast), the court of the place where the harmful event occurred (or could occur) has jurisdiction.[18] That difference is not relevant in these interlocutory proceedings because the central question is whether the damage alleged by GPI has occurred in the Netherlands, specifically its domicile Amsterdam (Erfolgsort). For that purpose, reference should be made to the case law of the CJEU on Article 7(2) of Brussels I Recast.

4.15. The interpretation given by the CJEU of the predecessors of the current provisions in Brussels I Recast also applies to the current Article 7(2) of Brussels I Recast[19] and therefore also to Article 6(e) Code of Civil Procedure.

4.16. When assessing jurisdiction on the basis of Brussels I Recast, the court must take into account all available information about the legal relationship that actually exists between the parties, including the defendant's objections. The assessment of jurisdiction may therefore not be carried out solely on the basis of the claimant's chosen legal basis. It is not necessary, at the stage of determining jurisdiction, to conduct evidentiary proceedings with regard to disputed facts that are relevant both to the question of jurisdiction and to the existence of the claimed right.[20] It follows that the court limits itself in answering the jurisdictional question to an assessment at first sight (a prima facie or summary assessment). This also applies to the assessment of jurisdiction on the basis of common law.

4.17. As already considered under paragraph 4.10 above, Article 6(e) of the Code of Civil Procedure requires that damage be suffered in the Netherlands, in this case specifically that that damage has occurred in the Netherlands (Erfolgsort). From settled case law of the CJEU[21] – which has also been cited by the parties and by the legislature in the EM of the draft legislation implementing the SLAPP Directive – it follows that it is insufficient if the only head of damage is purely financial damage, for example the payment of invoices from foreign service providers from a bank account in the Netherlands. There must also be additional or special circumstances that provide connecting factors for the jurisdiction of this court on the basis of Article 6(e) Code of Civil Procedure. Moreover, it follows from the settled case law of the CJEU[22] that in the case of alleged reputational damage suffered through internet statements, the court of the centre of interests of the allegedly injured party has jurisdiction.

4.18. Both subjects (incidental circumstances and centre of interests of GPI) have formed part of the debate between the parties. GPI argues that its damage should be characterised as (i) financial damage, (ii) damage through the deliberate frustration by GPI of the realisation of its idealistic objectives, and (iii) reputational damage. These three heads of damage are caused by the institution of the two lawsuits in the US and the publication of, inter alia, the article cited in paragraph 2.6 on the internet by ET, so GPI argues.

4.19. GPI has established on a prima facie basis that it suffers financial damage in the Netherlands as a result of the high (legal) costs of its defence in the two lawsuits in the US (the head of damage numbered (i) above). ET argues that insufficient evidence has

been provided of that financial damage and contends that millions of dollars flow back and forth annually between GPI and the US Greenpeace entities. The latter is consistent with GPI's positions on the manner in which finances are managed within the entire Greenpeace network, and therefore also with GPI's argument that those US Greenpeace entities make an annual contribution to GPI that is put at risk by the costs of the defence in the State Lawsuit (and a potential award of high damages). ET's argument does not alter the fact that it is plausible that (also) considerable costs are borne by GPI.

In these circumstances, ET's argument that insufficient evidence has been provided of GPI suffering financial damage in the Netherlands cannot lead to the granting of its primary claim in these interlocutory proceedings. At this stage of the proceedings it is not necessary to establish that GPI has actually suffered financial loss.

As already considered above, the suffering of financial damage in the Netherlands alone is insufficient for the jurisdiction of this court in these proceedings on the basis of Article 6(e) Code of Civil Procedure. However, GPI has also relied on incidental circumstances. The debate between the parties on those incidental circumstances will be addressed below, after which the debate on the centre of GPI's interests in respect of its alleged reputational damage will be addressed.

Erfolgsort: incidental circumstances

4.20. GPI argues as an incidental and special circumstance, inter alia, that it has had to assign various employees or staff (full-time) to the defence in the two lawsuits that ET has instituted in North Dakota against GPI (the head of damage numbered (ii) in paragraph 4.18). As a result, those GPI employees or staff are unable to carry out other work, such as for example work for the strategic campaign programme to promote its statutory purpose or assisting national and regional organisations (including in other parts of the world than the US) in the implementation of that programme, so GPI argues.

4.21. ET disputes that argument of GPI because it cannot verify this, and further argues that GPI has not made it plausible how it has been hampered in the Netherlands in the realisation of its idealistic objectives by the US proceedings. ET argues in this connection that GPI is an international organisation whose day-to-day activities consist of coordinating and supporting the activities that national and regional Greenpeace organisations carry out in their country or region. It therefore stands to reason that GPI takes the lead from its headquarters in the Netherlands for the defence against the arguments and claims in the two lawsuits in North Dakota, in which US (national) Greenpeace entities are also named as defendants.

4.22. ET's arguments are insufficient to rebut this specific argument of GPI on the incidental and special circumstances prima facie.

4.22.1. It is beyond dispute that GPI establishes the strategic campaign programme to promote nature conservation in the Netherlands and that this programme forms the basis for the activities that national and regional Greenpeace organisations carry out in their country or region. It therefore stands to reason that GPI takes the lead from its headquarters in the Netherlands for the defence against the arguments and claims in the two lawsuits in North Dakota, in which US (national) Greenpeace entities are also named as defendants.

4.22.2. In those lawsuits, ET has taken extensive and far-reaching positions regarding GPI and its role (and that of the US national Greenpeace entities) in the protests against DAPL, on which ET has based its claims for damages of hundreds of millions of dollars. The award of such damages could, for a non-profit organisation such as GPI – which according to ET also has a lower amount of annual income than the damages claimed in the State Lawsuit – have far-reaching consequences for the activities in furtherance of its statutory purpose and also for its ANBI status in the Netherlands.

4.22.3. It is therefore (more than) established on a prima facie basis that GPI has found itself compelled to coordinate the defence in the two US lawsuits from the Netherlands and to assign employees thereto, who as a result are less able to carry out work in the context of its statutory idealistic purpose. Those constitute – in addition to the alleged financial damage that GPI suffers as a result of the US proceedings – incidental or special circumstances that occur in the Netherlands and on the basis of which this court has (also) jurisdiction to hear GPI's claims against ET arising from the Federal Lawsuit and the State Lawsuit that ET has instituted in North Dakota against GPI.

4.23. The jurisdiction of this court over GPI's claims based on abuse of rights through the institution of the two US lawsuits thus follows from GPI's alleged financial damage and from incidental circumstances. There is thereby a close connection between this court and GPI's claims. Jurisdiction based on a close connection between the court and the claim satisfies the foreseeability requirement of Brussels I Recast.[23] ET's arguments that it was not foreseeable for it that it could be sued before this court for the (according to GPI's arguments, unlawful) institution of the lawsuits in the US regarding facts that occurred in the US therefore fail.

Reputational damage from the US lawsuits

4.24. Because the incidental circumstances discussed above already lead to jurisdiction of the court over the claims arising from unlawful conduct in litigation, the debate between the parties on the alleged reputational damage suffered by GPI through the two US lawsuits is not relevant in these interlocutory proceedings.

4.25. It follows from the foregoing, however, that the question remains whether this court also has jurisdiction over GPI's claims for reputational damage based on ET's allegedly unlawful statements on the internet. The court turns to that matter below.

Reputational damage from statements on the internet

4.26. GPI argues that it suffers reputational damage as a result of the allegedly unlawful statements that ET has made about GPI on the internet and in television interviews (the head of damage numbered (iii) in paragraph 4.18). GPI refers in that connection to the accusations that ET made in its internet publication of 22 August 2017 (which was republished in 2025 on another website managed by ET) that can be read in the Netherlands (see paragraphs 2.6 and 2.14 above).

4.27. ET does not dispute that it published the relevant article on the internet in 2017 and re-published it on another website in 2025, and that those websites can also be accessed and read in the Netherlands. ET also does not dispute the content of the internet article cited by GPI. ET does argue, however, that this court lacks jurisdiction over the claim based on statements on the internet. In that connection, ET relies on the Shevill judgment.[24]

4.28. ET argues that its statements were made in the US and disputes that GPI suffers reputational damage in the Netherlands as a result of those statements, or at least argues that GPI has not sufficiently substantiated this. Those arguments of ET cannot lead to the granting of its primary interlocutory claim. At this stage of the proceedings it is not necessary to examine whether GPI has actually suffered reputational damage as a result of ET's allegedly unlawful statements about GPI on the internet. At this stage it must be examined whether the connecting factors alleged by the parties justify the jurisdiction of this court. All relevant assertions of the parties may be taken into account therein,[25] such as in this case: ET's statements can be read in the Netherlands and GPI alleges that it suffers reputational damage in the Netherlands on that basis because its centre of interests is located there – which ET disputes.

4.29. It follows from settled case law on reputational damage that the court of the centre of interests of a person who alleges having suffered reputational damage has jurisdiction to hear claims relating to rectification (such as the posting of a notice on a website or a correction) and payment of damages.[26] In this case, it must therefore be established that GPI's centre of interests is in Amsterdam.

4.29.1. ET argues that the centre of GPI's interests is not in the Netherlands, because GPI is active worldwide and the vast majority of Greenpeace's activities take place abroad. Most of GPI's employees work abroad (228 employees outside the Netherlands and 131 in the Netherlands). Amsterdam is therefore not GPI's centre of interests, so ET argues.

4.29.2. GPI takes the view that the centre of its interests is in the Netherlands, because it:

- is a Dutch legal entity with its statutory seat in Amsterdam and maintaining its offices at Surinameplein in Amsterdam;

- has ANBI status in the Netherlands;
- annually publishes the mandatory information for NGOs with ANBI status in the Netherlands from its statutory seat;
- maintains its bank accounts in the Netherlands;
- employs 113 employees working in the Netherlands, and a total of 228 employees at various locations elsewhere in the world. GPI's employees working in the Netherlands have employment contracts governed by Dutch law;
- holds the trademarks of the Greenpeace network. The other entities in the international Greenpeace network receive permission from GPI to use these rights via a licence agreement governed by Dutch law;
- is the operator of various vessels, including the Arctic Sunrise and the Rainbow Warrior, which sail under the Dutch flag. There are 89 crew members in total employed by GPI, all of whom have employment contracts under Dutch law. The crew working on GPI's vessels who are domiciled in the EU fall under the Stichting Bedrijfspensioenfonds voor de Koopvaardij [Merchant Navy Industry Pension Fund Foundation] in the Netherlands.

4.30. These grounds advanced by GPI to that effect are sufficient to establish that the centre of its interests is in the Netherlands. The fact that it operates globally does not alter this, because it manages those activities to a significant degree from the Netherlands. The fact that, as a result of those many activities outside the Netherlands, the majority of GPI's employees work outside the Netherlands, is – given all other facts and circumstances alleged – insufficient to locate GPI's centre of interests outside the Netherlands as well. ET's position would indeed entail that no centre of interests of GPI whatsoever could be identified, which is an implausible result. GPI's centre of interests is therefore located in Amsterdam. In that case, the Dutch court also has jurisdiction to hear GPI's claims against ET in respect of ET's allegedly unlawful statements about GPI that it posted on the internet in 2017 and 2025.

4.31. With regard to ET's reliance on the Shevill judgment, the following further applies. That judgment is not relevant because the CJEU in the much later eDate and Bolagsupplysningen judgments – both of which concern a notice posted on the internet – gave a judgment deviating from the Shevill judgment. That ruling in the eDate and Bolagsupplysningen judgments concerns precisely the situation as it presents itself here.

Foreseeability of these proceedings before this court

4.32. ET also argues that it was not foreseeable for it that it would be sued in the Netherlands by GPI in respect of statements on the internet that were made in the US. In that connection, ET relies on the foreseeability requirement as referred to in the eDate judgment.[27]

4.33. The CJEU in paragraph 50 of the eDate judgment (and repeats this in paragraph 35 of the Bolagsupplysningen judgment[28]) considers that the jurisdiction of the court based on the centre of interests of the alleged victim is consistent with the aim that the

jurisdictional rules must be foreseeable as considered in Recitals 15 and 16 of Brussels I Recast. It follows therefrom that if it is established that GPI's centre of interests is in Amsterdam, the foreseeability requirement for the jurisdiction of this court over GPI's claims against ET based on the alleged reputational damage resulting from ET's alleged unlawful statement on the internet is also satisfied.

ET's reliance on the Marinari judgment

4.34. From what was considered in paragraphs 4.22.3 and 4.30, it follows that Amsterdam is the place where the damage alleged by GPI has actually occurred and is therefore not merely a place where the harmful consequences are felt. ET's reliance on various judgments (including Marinari)[29] in which it was considered that the place where the harmful event occurred (as Erfolgsort) cannot be interpreted so broadly as to include every place where the harmful consequences of an event that has already caused actual damage elsewhere are felt, therefore fails in this case.

Concluding consideration on jurisdiction

4.35. The conclusion is that the Dutch court has jurisdiction over GPI's claims against ET, so that ET's primary claim in the interlocutory proceedings is dismissed.

Stay of these proceedings pending final judgment in State Lawsuit

4.36. ET claims in the alternative that these proceedings be stayed on grounds of lis pendens (Article 12 Code of Civil Procedure). This requires that proceedings between the same parties on the same subject matter are pending in another country (before these proceedings were instituted).

4.37. These proceedings concern, however, different subject matters from the State Lawsuit in North Dakota, US. In these proceedings, the central issue is GPI's argument that ET has acted unlawfully towards it by instituting the two lawsuits in the US and by making statements about GPI on the internet (and the damage allegedly suffered by GPI as a result thereof). In that connection, according to GPI – in brief – it is also the case that the US lawsuits were instituted to undermine its freedom of expression in the public debate.

4.38. In the State Lawsuit, ET's central argument is that it has suffered damage as a result of GPI's unlawful conduct in the construction of DAPL. The issue therefore is primarily the construction of DAPL being delayed by (according to ET) unlawful and illegal acts in which GPI played a role, and that ET has suffered other damage as well (in the internet article: "(...) These damages, as well as the harm to the Company's reputation, resulting from the Enterprise's misinformation campaign (...)"), so ET argues. These are different subject matters from those at issue in these proceedings.

4.39. Furthermore, in these proceedings ET's freedom of expression will also come under consideration in respect of its statements about GPI on the internet and in television interviews. That is not a subject matter of the State Lawsuit. The fact that GPI defends itself in the US proceedings by invoking freedom of expression (the First Amendment to the US Constitution) is not the same as bringing proceedings based on the argument that the defendant (ET in this case) wrongly instituted (strategic) proceedings in the US against GPI on account of its participation in the public debate about DAPL.

4.40. There is therefore no reason to stay these proceedings on the basis of Article 12 Code of Civil Procedure. ET's alternative claim in these interlocutory proceedings is also dismissed.

Concluding considerations

4.41. ET's request to bring an interlocutory appeal against this interlocutory judgment is not granted, because an interlocutory appeal would lead to unreasonable delay in these proceedings. It is relevant in that connection that the jurisdiction of this court has been determined on the basis of national law, in part on the basis of settled case law on jurisdiction in a claim arising from tort (Article 7(2) of Brussels I Recast and Article 6(e) Code of Civil Procedure) that is relevant for the interpretation thereof. There is therefore also no reason to refer preliminary questions to the CJEU as proposed by ET.

4.42. ET, as the unsuccessful party, shall be ordered to pay the costs. Contrary to GPI's request, there is no reason to order ET to pay the full costs of the proceedings of GPI in the interlocutory proceedings. GPI relied in support of this request on the provision in Article 14(1) of the SLAPP Directive, which – in brief – requires Member States to ensure that a party that abuses legal proceedings directed against public participation can be ordered to pay the full costs of the opposing party. That directive does not, however, apply in these proceedings, as was considered in paragraphs 4.4 to 4.11 above. A full costs order can then only be awarded if there is abuse of legal process in these proceedings. That is not the case here. The costs in these interlocutory proceedings on GPI's side are assessed at €1,495 (two points x rate for undetermined value plus subsequent costs of €189.00), plus the increase in the event of service as included in the decision. The requested increase by statutory interest on the costs of the proceedings is awarded from 14 days after notification of this judgment.

In the main proceedings

4.43. The main proceedings are referred to the cause list in six weeks' time for a statement of defence. It is noted in that connection that ET, in its substituted pleadings in the interlocutory proceedings, devoted 22 pages to the dispute in the main proceedings, supported by 55 exhibits. ET is therefore instructed to limit its statement of defence in

the main proceedings to a maximum of 40 pages, whereby it may refer to the text and exhibits of the interlocutory conclusion, provided the reference is concrete and clear.

Finally, it is noted that “Greenpeace (as a reference to various entities within the international Greenpeace network) is not a party in the proceedings on the merits. ET is instructed, for each factual act, to state concretely, precisely and exactly which of the three defendants in the State Lawsuit performed that factual act according to ET.

5. The Decision

The court

In the interlocutory proceedings

5.1. dismisses the claims;

5.2. orders ET to pay the costs, assessed on GPI’s side to date at €1,495, plus €98 if ET fails to comply with this order within 14 days of notification of this judgment and this judgment is served;

5.3. orders ET to pay statutory interest as referred to in Article 6:119 Dutch Civil Code on the costs of the proceedings, from 14 days after notification of this judgment until the date of payment;

5.4. declares the above orders enforceable on a provisional basis;

In the main proceedings

5.5. declares itself competent to hear GPI’s claims against ET;

5.6. refers the case to the cause list of Wednesday 15 July 2026 for a statement of defence.

This judgment was rendered by Mr M.E.M. James-Pater, Mr R.H.C. Jongeneel and Mr D. Sullivan, judges, assisted by Mr R.E.R. Verloo, clerk, and pronounced in open court on 3 June 2026.

Footnotes:

[1] Algemeen Nut Beogende Instellingen – public benefit organisations.

[2] Strategic Lawsuits Against Public Participation.

[3] Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on the protection of persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ("strategic lawsuits against public participation"), OJ L 2024/1069, 16.4.2024.

[4] The European Convention for the Protection of Human Rights and Fundamental Freedoms, Trb. 2014, 2.

[5] Amendment of the Code of Civil Procedure implementing Directive (EU) 2024/1069 on the protection of persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ("strategic lawsuits against public participation"), Parliamentary Papers II, 2024–2025, 36 731, nos. 2 and 3.

[6] CJEU 25 October 2011, ECLI:EU:C:2011:685 (eDate Advertising GmbH et al./X).

[7] CJEU 16 June 2016, case C-12/15, ECLI:EU:C:2016:449 (Universal Music, paragraphs 38 and 39); CJEU 5 July 2018, case C-27/17, ECLI:EU:C:2018:533 (flyLAL-Lithuanian Airlines, paragraph 32); CJEU 29 July 2019, case C-451/18, ECLI:EU:C:2019:635 (Tibor-Trans, paragraph 28), as earlier considered in CJEU 19 September 1995, case C-364/93, ECLI:EU:C:1995:289 (Marinari, paragraph 14).

[8] CJEU 17 October 2017, case C-194/16, ECLI:EU:C:2017:766 (Bolagsupplysningen, paragraph 42).

[9] Lis pendens: in brief, staying these proceedings because identical proceedings between the same parties are pending in another country.

[10] Recital 5 of the SLAPP Directive states that the European Parliament adopted a resolution on 11 November 2021 requesting the European Commission to put together a package of measures to address the increasing strategic lawsuits against public participation.

[11] Article 12 Code of Civil Procedure.

[12] Judgments eDate ECLI:EU:C:2011:685 and Bolagsupplysningen ECLI:EU:C:2017:766.

[13] Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (hereinafter: Brussels I Recast).

[14] Parliamentary Papers II (House of Representatives), 2024–2025, 36 731, no. 3, p. 1.

[15] Parliamentary Papers II (House of Representatives), 2024–2025, 36 731, no. 3, p. 16.

[16] Act revising civil procedural law, in particular the manner of proceedings at first instance, Stb. 2001, 580.

[17] Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 12 of 16 January 2001, p. 1; and the Brussels Convention on jurisdiction and enforcement of judgments in civil and commercial matters (1968), consolidated version in OJ C 27 of 26 January 1998, p. 1.

[18] CJEU 15 July 2021, case C-30/20, ECLI:EU:C:2021:604 (RH/Volvo, paragraph 43).

[19] Cf. CJEU 16 November 2016, case C-417/15, ECLI:EU:C:2016:881 (Schmidt), paragraph 26.

[20] CJEU 28 January 2015, case C-375/13, ECLI:EU:C:2015:37 (Harald Kolassa/Barclays Bank plc), paragraph 64; and CJEU 16 June 2016, case C-12/15, ECLI:EU:C:2016:449 (Universal Music), paragraphs 45–46.

[21] Judgment Universal Music, ECLI:EU:C:2016:449, paragraphs 38–40.

[22] Judgments eDate ECLI:EU:C:2011:685 and Bolagsupplysningen ECLI:EU:C:2017:766.

[23] Recital 16 of Brussels I Recast: "In addition to the defendant's domicile, there should be alternative grounds of jurisdiction based on a close link between the court and the action (...). The existence of a close link should ensure legal certainty and avoid the possibility of the defendant being sued in a court of a Member State which he could not reasonably have foreseen (...)".

[24] CJEU 7 March 1995, C-68/93, ECLI:EU:C:1995:61 (Shevill et al.), paragraph 33.

[25] Judgment Universal Music ECLI:EU:C:2016:449, paragraphs 44 and 45.

[26] Judgments ECLI:EU:C:2011:685 (eDate) and ECLI:EU:C:2017:766 (Bolagsupplysningen).

[27] ECLI:EU:C:2011:685 (eDate).

[28] ECLI:EU:C:2017:766 (Bolagsupplysningen).

[29] Judgment Marinari ECLI:EU:C:1995:289, paragraph 14, repeated in judgments Universal Music ECLI:EU:C:2016:449, paragraph 34; flyLAL-Lithuanian Airlines ECLI:EU:C:2018:533, paragraph 32; and Tibor Trans ECLI:EU:C:2019:635, paragraph 28.