

## Der Anwendungsbereich von Art. 15–17 LugÜ: Zugleich Besprechung von BGE 142 III 170

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A client domiciled in France concluded contracts with a Swiss bank over a deposit and several accounts. The contracts were concluded in Geneva. Prior to the conclusion of these contracts, the Bank had not directed its activities to France in terms of Article 15(1)(c) of the Lugano Convention («LC»). It had, however, pursued commercial activities in France within the meaning of Article 15(1)(c) LC, because it had operated establishments there. Several years after the conclusion of the contracts, the bank sued the client in Geneva. In this case, the decisive question was: Are Articles 15–17 LC applicable and should the Bank thus have brought proceedings at the client's domicile in France (based on Article 16(2) LC)? With regard to CJEU Emrek (C-218/12) the answer is «yes». However, the Swiss Supreme Court confirmed the jurisdiction of the Geneva courts in its decision SCD 142 III 170. This decision provides the opportunity to recall the requirements for the application of Articles 15–17 LC and to reflect on the question whether Article 15(1)(c) LC requires a causal link between the «directing» or «pursuing» of commercial or professional activities to the state of the consumer's domicile and the conclusion of the contract with that consumer.

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