Court of Justice of the European Communities: Libel without Frontiers

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The Court of Justice of the EC has ruled that the victim of a libel by a newspaper article may bring an action for damages against the publisher either before the court of the country where the publisher of the defamatory publication is established, or before the courts of the State in which the publication was distributed and where the victim claims to have suffered injury to his reputation. The former courts will have jurisdiction to award damages for all the harm caused by the defamation, the latter only in respect of the harm caused in the state in question.

The question to the Court was brought forward by the British House of Lords as a result of the proceedings between Ixora Trading, Chequepoint and Mrs Shevill, and Presse Alliance, a company under French law whose registered office is in Paris. On 23 September 1989 Presse Alliance, which publishes the newspaper France-Soir, published an article about a raid by drug squad officers on one of Chequepoint's branches. The article expressly mentioned the company "Chequepoint" and "a young woman by the name of Fiona Shevill-Avril". The plaintiffs considered the article to be defamatory in that it suggested their involvement in drug-trafficking and money-laundering, and claimed damages for libel in the High Court of England and Wales.

Presse Alliance argued that the French courts had jurisdiction in this dispute and that no harmful event had occurred in England. The Court ruled that the plaintiff must have the option to bring proceedings also before the court where the damage occurred, i.e. where the publication which injured the victim's reputation, was distributed.

Court of Justice of the European Communities, 7 March 1995, Case C-68/93, Fiona Shevill/Ixora Trading Inc./Chequepoint SARL/Chequepoint Int. Ltd v Presse Alliance SA.

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