

Conference on Cross-Border Recognition and Enforcement of Judgments

**PART I – RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION**

**NOTE:** If your State has a non-unified legal system (i.e., two or more systems of law which apply in different territorial units), and the information is available, please indicate the jurisdiction/s referred to in your answers.

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern the recognition and enforcement of foreign judgments?

☒ YES  
☐ NO

If yes, please specify.

2. Does your State have rules of national law that govern the recognition and enforcement of foreign court judgments in your State (i.e., legislation or case law)?

☒ YES  
☐ NO

If yes, please specify. *Civil Procedure Code*

3. Which courts in your State hear applications for the recognition and enforcement of foreign judgments?

Please specify. *Territorial Judicial Courts.*

4. Are there specific conditions that need to be met in order for a judgment to be recognised and enforced by a court in your State?

☒ YES  
☐ NO

If yes, under what circumstances (e.g., the jurisdiction of the foreign court must be recognised, the respondent to the application for recognition and enforcement must have assets in your State, the judgment must be a monetary judgment that is final and conclusive)?

*Arts. 467-476 Civil Procedure Code.*

5. Can a court in your State refuse to recognise and enforce a foreign court judgment that otherwise meets the specific conditions identified in Part I question 4?

☐ YES  
☒ NO

If yes, under what conditions (e.g., procedural fairness, lack of proper notice to the defendant, an inconsistent foreign or domestic judgment, parallel domestic proceedings)? In addition, are those grounds for refusal raised on the court's own motion or by the party opposing the recognition and enforcement application?

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6. Is recognition and enforcement of a foreign judgment subject to a special procedure before a court in your State?

☒ YES  
☐ NO

If yes, please describe the procedure. *Chapitre XLII Civile Procedure Code.*

7. What types of judgments are entitled to recognition and enforcement in your State?

☒ Judgments entered in default

Comments. *Final decisions*

☐ Provisional and protective measures  
Comments.

☒ Non-money judgments  
Comments.

☒ Judgments awarding non-compensatory damages  
Comments.

☐ Other.

If other, please specify.

8. In your State, is it possible to appeal a court's decision to recognise and enforce a foreign judgment?

☒ YES  
☐ NO

If yes, under what circumstances. *Art. 442 §6. Civil Procedure Code*

9. What is the frequency of applications for recognition and enforcement of foreign court decisions per year? It is appreciated that this information may not be readily available in your Ministry; however such information may possibly be obtainable from the courts in your State.

☐ 0-5  
☐ 5-10  
☐ 10-20  
☒ more than 20.

Any comments.

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10. How many applications for the recognition and enforcement of a foreign court decision are granted in your State?

- ☐ 0-5  
☐ 5-10  
☐ 10-20  
☒ more than 20.

Any comments.

**PART II - JURISDICTIONAL REQUIREMENTS**

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern issues of jurisdiction in international litigation?

- ☒ YES  
☐ NO

If yes, please specify.

13 bilateral treaties and 1 multilateral convention

2. Does your State have rules of national law that govern issues of jurisdiction in international litigation in your State? (i.e., legislation or case law)

- ☒ YES  
☐ NO

If yes, please specify.

The Civil Procedure Code

3. Have the rules of international jurisdiction in your State recently been reviewed? (e.g., by the legislators, law reform bodies, other professional bodies).

- ☐ YES  
☒ NO

Comments

4. In which of the following situations would the courts in your State have jurisdiction:

- ☐ where the defendant voluntarily submits to the jurisdiction  
Comments

- ☒ where the defendant is domiciled or resides in your State  
Comments

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☐ where the defendant carries out regular commercial activity in your State  
Comments

☐ where the contract is performed or there is a breach of contract in your State  
Comments

☐ where a contract is concluded executed between parties in your State  
Comments

☐ where the parties to the dispute have designated the courts of your State for the purpose of deciding disputes between them?  
Comments

☐ where an injury occurs to a person as the result of a tortuous act occurring in your State  
Comments

☐ where damage occurs to tangible property as the result of a tortuous act occurring in your State  
Comments

☒ where the defendant does not reside in your State, but the defendant's immovable property is held in your State  
Comments

☐ Other  
Please specify

5. Is the nature of the above-mentioned grounds such that without these present a court is not entitled to hear a case?

☒ YES

☐ NO

Comments.

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6. In which of the following situations would a court, otherwise having jurisdiction as described in part II question 4, decline to exercise its jurisdiction in your State:

☒ where there are identical proceedings (proceedings involving the same parties and the same cause of action) occurring in another State's courts  
Please indicate the relevant source of law and any comments.

☐ where there are related proceedings (those proceedings that do not have identical parties and causes of action but have related causes of action and parties)  
Please indicate the relevant source of law and any comments.

☐ where the court determines that it is an inappropriate forum  
Please indicate the relevant source of law and any comments.

☐ where it is in the interests of justice to do so  
Please provide any comments.

☐ other  
Please indicate.