

Table of Contents

Volume 1

CHAPTER 1. INTRODUCTION

- § 1:1 Theory and history—In general
- § 1:2 —International comity
- § 1:3 —Vested rights
- § 1:4 —Legal obligation
- § 1:5 Complexity of transnational litigation—In general
- § 1:6 —Strategems—In general
- § 1:7 — —Modes of settling disputes
- § 1:8 — —Choice of forum
- § 1:9 — —Proving the case
- § 1:10 — —Enforcing a judgment
- § 1:11 Recognition and enforcement—In general
- § 1:12 —Procedure
- § 1:13 —Universal requirements
- § 1:14 —Jurisdiction
- § 1:15 —Notice
- § 1:16 —Finality
- § 1:17 —Public policy
- § 1:18 —Reciprocity
- § 1:19 Conclusion

CHAPTER 2. ARGENTINA

- § 2:1 Introduction—In general
- § 2:2 —Federal jurisdiction and federal procedural rules
- § 2:3 —Procedures in certain provinces
- § 2:4 —Recognition and enforcement of foreign judgments
- § 2:5 Government attitude
- § 2:6 International treaties and conventions
- § 2:7 Domestic legislation—Procedural requirements—In general
- § 2:8 — —Final judgment
- § 2:9 — —Competent court
- § 2:10 — —Personal or real action
- § 2:11 — —Due process
- § 2:12 — —Valid judgment
- § 2:13 — —Public policy
- § 2:14 — —Conflicting judgments
- § 2:15 —Exequatur—In general
- § 2:16 — —Filing
- § 2:17 — —Documentary requirements

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 2:18 — —Translations and authentications
 - § 2:19 — —Opposition
 - § 2:20 — —Enforcement
 - § 2:21 — —Appeal
 - § 2:22 Review on merits
 - § 2:23 Attorney's fees, court costs, and interest—Reimbursement of expenses
 - § 2:24 —Court costs
 - § 2:25 —Attorneys' fees
 - § 2:26 —Security
 - § 2:27 —Interest
- Appendix 2-I. Annex I—International Treaties and Conventions to Which Argentina Is Signatory

CHAPTER 3. AUSTRALIA

- § 3:1 Introduction
 - § 3:2 —Background
 - § 3:3 —Scope of analysis
 - § 3:4 —Definitions
 - § 3:5 —Comparative Note
 - § 3:6 Enforcing foreign judgments—In General
 - § 3:7 —History of foreign judgment enforcement
 - § 3:8 Foreign Judgments Act 1991
 - § 3:9 —Does the Foreign Judgments Act apply?
 - § 3:10 —Registration in which court?
 - § 3:11 —Applying for registration
 - § 3:12 —Registration criteria
 - § 3:13 —Stay of enforcement
 - § 3:14 —Setting aside registered judgments
 - § 3:15 — —Absence of jurisdiction
 - § 3:16 — —Other grounds of defense
 - § 3:17 —Effect of registration and procedure for enforcement
 - § 3:18 Enforcement at Common Law—Using previous law
 - § 3:19 —Common Law conditions for enforcement
 - § 3:20 —Common Law defenses to enforcement
 - § 3:21 Enforcement in equity
 - § 3:22 Litigating in Australia
 - § 3:23 Special exceptions
 - § 3:24 Associated enforcement issues
 - § 3:25 Sovereign and crown immunity—International Law as Source of Law
 - § 3:26 —Foreign States Immunities Act
 - § 3:27 —Basic Australian Position
- Appendix 3-I. Specified Foreign Superior Courts
- Appendix 3-II. Specified Foreign Inferior Courts
- Appendix 3-III. Structure of Australian Government and Judicial Systems

TABLE OF CONTENTS

CHAPTER 4. AUSTRIA

- § 4:1 Introduction
- § 4:2 International and supranational law—In general
- § 4:3 —Treaties and conventions
- § 4:4 —Legal instruments of the European Union
- § 4:5 Recognition and enforcement—Foreign judgments exempt from recognition
- § 4:6 —Recognition and enforcement under Austrian Law
- § 4:7 —Recognition—In general
- § 4:8 — —Prerequisites for recognition
- § 4:9 —Enforcement
- § 4:10 Jurisdiction
- § 4:11 Appeal by the petitioning creditor
- § 4:12 Appeal by the obligor
- § 4:13 Costs and fees
- § 4:14 Database inquiry
- § 4:15 Execution for securing a claim

CHAPTER 5. THE BAHAMAS

- § 5:1 Introduction—Inheritance of English principles
- § 5:2 —Mutual legal assistance treaties
- § 5:3 Enforcement at Common Law—Foreign judgment in personam
- § 5:4 — —Jurisdiction of foreign court
- § 5:5 — —Definite sum/penal or revenue laws
- § 5:6 — —Final and conclusive
- § 5:7 —Foreign judgment in rem
- § 5:8 —Defenses to action for recognition or enforcement
- § 5:9 — —Judgment impeachable for fraud
- § 5:10 — —Public policy
- § 5:11 — —Natural justice
- § 5:12 —Procedural aspects
- § 5:13 Enforcement under statute—Reciprocal Enforcement of Judgments Act
- § 5:14 — —Judgments in civil proceedings
- § 5:15 — —Judgment for definite sum of money
- § 5:16 — —Judgment made by recognized court
- § 5:17 — —Judgment final and conclusive
- § 5:18 — —Judgment gives rise to rights in applicant against judgment debtor
- § 5:19 — —Judgment can be enforced by execution in a foreign court
- § 5:20 — —Judgment has not been wholly satisfied
- § 5:21 — —Judgment not for sum of money in respect of taxes, fine, or penalty
- § 5:22 —Extent of Act
- § 5:23 —Application for registration
- § 5:24 —Discretion of register

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 5:25 —Registration procedure
- § 5:26 —Application to set aside registration
- § 5:27 —Grounds for refusing or setting aside registration
- § 5:28 —Effect of registration
- § 5:29 —Enforcement by registration or action
- § 5:30 Recognition—Enforcement and recognition distinguished
- § 5:31 —Recognition of foreign judgment in personam
- § 5:32 —Recognition of foreign judgment in rem
- § 5:33 —Foreign decisions affecting Bahamian trusts
- § 5:34 —Effect of foreign winding-up order
- § 5:35 —Effect of bankruptcy
- § 5:36 Sovereign immunity—Immunity from suit
- § 5:37 —Execution against foreign state
- § 5:38 —Jurisdiction of foreign courts
- § 5:39 Other matters—Authenticated copies of foreign judgments
- § 5:40 —Execution in the Bahamas
- § 5:41 —Security for costs
- § 5:42 —Recovery of legal fees and expenses
- § 5:43 —Interest on foreign judgment debts
- § 5:44 —Limitation periods
- § 5:45 —Recognition of foreign matrimonial decrees
- § 5:46 —Enforcement of foreign maintenance awards
- § 5:47 —Foreign arbitration awards—Common Law
- § 5:48 — —Reciprocal Enforcement of Judgments Act
- § 5:49 — —Arbitration (Foreign Awards) Act
- § 5:50 —Enforcement of foreign penal fines and confiscation orders

Appendix 5-I. Common Law/Foreign Judgment in Personam

CHAPTER 6. BARBADOS

- § 6:1 Introduction
- § 6:2 Foreign and Commonwealth Judgments (Reciprocal Enforcement) Act, 1922—Judgments to which the Foreign and Commonwealth Judgments (Reciprocal Enforcement) Act is applicable
- § 6:3 —Requirements for registration—Judgments of the United Kingdom and other Commonwealth countries
- § 6:4 — —Judgments of other foreign countries
- § 6:5 —Procedure for applying to register
- § 6:6 —Enforcement of registered judgment
- § 6:7 —Procedure for setting aside registration
- § 6:8 —Appeals against registration
- § 6:9 —Additional points
- § 6:10 —Jurisprudence
- § 6:11 Enforcement at common law

Appendix 6-I. Judgments Enforced in the High Court of Barbados Pursuant to the Foreign and Commonwealth Judgments (Reciprocal Enforcement) Act

TABLE OF CONTENTS

CHAPTER 7. BELGIUM

I. OVERVIEW

- § 7:1 In general
- § 7:2 Government attitude toward recognition and enforcement
- § 7:3 Legislation affecting recognition and enforcement
- § 7:4 International treaties and conventions

II. RECOGNITION AND ENFORCEMENT CHECKLIST

- § 7:5 In general
- § 7:6 Public policy
- § 7:7 Violation of rights of defense
- § 7:8 Evasion of applicable law designated by Belgian conflict of laws rules
- § 7:9 Competence (Jurisdiction of Court)
- § 7:10 Incompatibility of decisions
- § 7:11 Lack of regard to Belgian *lis pendens*
- § 7:12 No enforceable decision
- § 7:13 Other circumstances

III. PROCEDURE FOR RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

- § 7:14 In general
- § 7:15 Documents required
- § 7:16 Review on merits
- § 7:17 Execution of foreign judgment
- § 7:18 Appeal of recognition and enforcement decision
- § 7:19 Lawyers' fees, court costs, and interest

CHAPTER 8. BERMUDA

- § 8:1 Introduction
- § 8:2 Judgments (Reciprocal Enforcement) Act 1958—Judgments to which the Act is applicable
- § 8:3 —Requirements for registration
- § 8:4 —Procedure for obtaining leave to register
- § 8:5 —Additional points
- § 8:6 —Enforcement of a registered judgment
- § 8:7 —Procedure for setting aside registration
- § 8:8 —Appeals against registration
- § 8:9 Action at Common Law—Requirements
- § 8:10 —Procedure for obtaining judgment
- § 8:11 Execution

CHAPTER 9. BRAZIL

- § 9:1 Introduction
- § 9:2 —Limited review

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 9:3 —Two procedures
- § 9:4 Nature of foreign judgments
- § 9:5 Requirements
- § 9:6 —Jurisdiction
- § 9:7 —Competence distinguished
- § 9:8 —Concurrent competence
- § 9:9 —Proper notice
- § 9:10 —Finality
- § 9:11 —Authentication
- § 9:12 —Sovereignty, public policy, and custom
- § 9:13 Interim judgments
- § 9:14 Procedure
- § 9:15 Enforcement
- § 9:16 Consequences of enforcement
- § 9:17 Arbitral awards—Recognition and execution of foreign
arbitral awards
- § 9:18 —Recognition—In general
- § 9:19 — —Incapacity of parties
- § 9:20 — —Invalidity of arbitration agreement
- § 9:21 — —Denial of fair hearing
- § 9:22 — —Excess of authority or lack of jurisdiction
- § 9:23 — —Procedural irregularities
- § 9:24 — —Invalid award
- § 9:25 — —Other grounds
- § 9:26 —Enforcement
- § 9:27 Securities law and enforceability of civil liabilities
- § 9:28 Conclusion

CHAPTER 10. BRITISH VIRGIN ISLANDS

- § 10:1 Introduction
- § 10:2 Policy as to enforcement
- § 10:3 Applicable rules of law—In general
- § 10:4 —Foreign Judgments (Reciprocal Enforcement)
(Commonwealth) order
- § 10:5 International treaties
- § 10:6 Enforcement requirements—In general
- § 10:7 —1922 Act
- § 10:8 —Common Law
- § 10:9 —Registrable judgment
- § 10:10 —Action for enforcement
- § 10:11 —Execution
- § 10:12 Recognition—In general
- § 10:13 —Common Law
- § 10:14 Conclusion

CHAPTER 11. BULGARIA

- § 11:1 Legislation and applicable law
- § 11:2 Sources of law—National sources

TABLE OF CONTENTS

- § 11:3 —International sources
- § 11:4 Procedure for non-member states—In general
- § 11:5 —Acts subject to recognition and enforcement
- § 11:6 —Initiation of procedure
- § 11:7 —Review on the merits
- § 11:8 —Foreign law
- § 11:9 Prerequisites for granting claim
- § 11:10 Costs
- § 11:11 Appeal
- § 11:12 Actions subsequent to the decision for enforcement—
Procedure for issuance of writ of execution
- § 11:13 —Forcible execution procedure
- § 11:14 —Enforcement of foreign judgment—Summary
- § 11:15 Direct enforcement pursuant to regulation (EU) 1215/2012
- § 11:16 Recognition and enforcement under action of *acquis
communautaire*—Execution without special procedure
- § 11:17 Foreign arbitral awards—In general
- § 11:18 —Applicability of the New York Convention
- § 11:19 —Procedure for recognition and enforcement
- § 11:20 —Grounds for denying enforcement of a foreign arbitral
award
- § 11:21 —Enforcement of foreign arbitral award

CHAPTER 12. CANADA

- § 12:1 Introduction
- § 12:2 Canadian federalism
- § 12:3 Action for the enforcement of foreign judgments in the
Common Law jurisdictions—In general
- § 12:4 —Real and substantial connection
- § 12:5 —Conditions for recognition and enforcement—In general
- § 12:6 — —Debt or definite sum of money
- § 12:7 — —Final and conclusive
- § 12:8 — —Foreign penal revenue and taxation
- § 12:9 — —Ambiguous orders
- § 12:10 — —Enforcement of foreign non-monetary judgments
- § 12:11 —Defenses to the enforcement of judgments—In general
- § 12:12 — —Defense of fraud
- § 12:13 — —Defense of natural justice
- § 12:14 — —Defense of public policy
- § 12:15 —Summary
- § 12:16 Enforcement of foreign judgments in Quebec—In general
- § 12:17 —Principle—In general
- § 12:18 — —Authority of the country where the decision was
rendered had no jurisdiction
- § 12:19 — —Decision is subject to ordinary remedy or is not final
or enforceable
- § 12:20 — —Decision was rendered in contravention of the
fundamental principles of procedure
- § 12:21 — —Concurrent proceedings

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 12:22 — —Public order
- § 12:23 — —Taxation laws
- § 12:24 —Summary
- § 12:25 Statutes and conventions—Registration of foreign judgments by statute
- § 12:26 —International conventions—In general
- § 12:27 — —Convention between Canada and the United Kingdom
- § 12:28 — —Convention between Canada and France
- § 12:29 Federal jurisdiction
- § 12:30 Conclusion

CHAPTER 13. CAYMAN ISLANDS

- § 13:1 Introduction
- § 13:2 —Commonwealth objective
- § 13:3 —Historical background
- § 13:4 —Scope of legislative powers
- § 13:5 —Extension of treaty obligations
- § 13:6 At Common Law—In general
- § 13:7 —Jurisdiction of foreign court over defendant
- § 13:8 —Residence / presence
- § 13:9 —Voluntary appearance
- § 13:10 —Submission to jurisdiction
- § 13:11 —Agreement to submit to jurisdiction
- § 13:12 —Other bases of jurisdiction
- § 13:13 —Lack of competence
- § 13:14 —Other requisites for recognition at Common Law
- § 13:15 Procedure
- § 13:16 Reliance on foreign judgment
- § 13:17 Challenges at Common Law
- § 13:18 —Judgments obtained by fraud
- § 13:19 —Judgments obtained contrary to natural justice
- § 13:20 —Judgment contrary to public policy
- § 13:21 Judgments in rem
- § 13:22 Registration by statute—Foreign Judgments Reciprocal Enforcement Law (Revised)
- § 13:23 — —Effect of reciprocity
- § 13:24 — —Jurisdictions to which the law has been extended
- § 13:25 — —Summary
- § 13:26 —Extension of Administration of Justice Act 1920 to Cayman Islands
- § 13:27 —Overseas Judgments (Reciprocal Enforcement) Act 1960
- § 13:28 Foreign arbitral awards
- § 13:29 —Effect of convention awards under the law
- § 13:30 —Evidence of award
- § 13:31 —Challenges to enforcement of convention awards
- § 13:32 — —Application for summary judgment
- § 13:33 — —Leave to cross-examine
- § 13:34 —Arbitration in foreign investment disputes

TABLE OF CONTENTS

- § 13:35 — —Procedure
- § 13:36 — —Purpose of the Convention
- § 13:37 — —Enforcement of foreign arbitral awards at Common Law
- § 13:38 Reciprocal enforcement
- § 13:39 — —Maintenance orders—Affiliation orders
- § 13:40 — —Maintenance orders
- § 13:41 — —Other matrimonial orders
- § 13:42 — —Guardianship and custody of children
- § 13:43 — —Derivation from Common Law
- § 13:44 — —Validity of foreign order
- § 13:45 — —Adoptions
- § 13:46 Estates and law of succession
- § 13:47 — —Statutory provisions and rules
- § 13:48 — —The Hague Convention of 5 October 1961
- § 13:49 Insolvency
- § 13:50 — —English rules of procedure
- § 13:51 — —Reciprocal recognition and enforcement of insolvency orders
- § 13:52 Confidential relationships
- § 13:53 — —Disclosure pursuant to consent
- § 13:54 — —Restraint of disclosure
- § 13:55 Execution—In general
- § 13:56 — —Attachment of earnings
- § 13:57 — —Charging orders
- § 13:58 — —Committal
- § 13:59 — —Rights of appeal
- § 13:60 Costs and interest—Costs
- § 13:61 — —Interest
- § 13:62 Conclusion

CHAPTER 14. CHILE

- § 14:1 Attitude of Chilean government towards recognition and enforcement of foreign judgments
- § 14:2 Legal sources—In general
- § 14:3 — —Constitution
- § 14:4 — —Civil Procedure Code
- § 14:5 — —Code of International Private Law
- § 14:6 — —Criminal Procedure Code
- § 14:7 International treaties and conventions
- § 14:8 Procedural requirements—Existence of a treaty
- § 14:9 — —Principle of reciprocity
- § 14:10 — —Executur procedure
- § 14:11 Steps to secure recognition and enforcement—In general
- § 14:12 — —Civil Procedure Code
- § 14:13 — —Code of International Private Law
- § 14:14 Procedural requirements of extradition in criminal cases
- § 14:15 Lawyers' fees and court costs

CHAPTER 15. PEOPLES REPUBLIC OF CHINA

- § 15:1 Introduction
- § 15:2 Statutes and legislation
- § 15:3 International treaties
- § 15:4 Policy and procedural requirements—In general
- § 15:5 —New lawsuit required
- § 15:6 —Reciprocity—In general
- § 15:7 — —Divorce cases
- § 15:8 — —Judgments pronounced in Taiwan
- § 15:9 — —Judgments pronounced in Hong Kong
- § 15:10 — —Judgments pronounced in Macao
- § 15:11 —Vagueness
- § 15:12 —Jurisdiction
- § 15:13 —Due process
- § 15:14 —Damages
- § 15:15 —Exclusive jurisdiction
- § 15:16 —Lawsuit as to the same subject
- § 15:17 Steps for recognition and enforcement
- § 15:18 Non-review of merits
- § 15:19 Execution
- § 15:20 Appeal
- § 15:21 Fees, costs, and interest
- § 15:22 Civil Procedure Law Interpretation 2015
- § 15:23 A People’s Court judgment—In general
- § 15:24 —Japanese commercial dispute judgment
- § 15:25 —United states divorce judgment
- § 15:26 Arbitration awards—In general
- § 15:27 —Statutes and legislation
- § 15:28 —New York Convention awards
- § 15:29 —Other awards
- § 15:30 —General conditions
- § 15:31 —Jurisdiction
- § 15:32 —Application procedure
- § 15:33 —Time limit
- § 15:34 —Hong Kong—In general
- § 15:35 — —Mutual enforcement arrangement
- § 15:36 — —Competent court and venue
- § 15:37 — —Application documents
- § 15:38 — —Time limit and procedures
- § 15:39 — —Refusing recognition and enforcement
- § 15:40 —Macao—In general
- § 15:41 — —Competent courts
- § 15:42 — —Suspension, termination, and resumption of enforcement
- § 15:43 — —Exemption of document authentication procedure
- § 15:44 —Taiwan—In general
- § 15:45 — —Competent courts

TABLE OF CONTENTS

- § 15:46 — —Suspension, termination, and resumption of enforcement
- § 15:47 — —Results of examination
- § 15:48 — —Illustration of a foreign arbitral award

CHAPTER 16. COLOMBIA

- § 16:1 Government attitude towards recognition and enforcement of foreign judgments
- § 16:2 International treaties or conventions relevant to recognition and enforcement
- § 16:3 Statutes relating to recognition and enforcement
- § 16:4 Scope of *exequatur*
- § 16:5 Conditions for *exequatur*
- § 16:6 Procedure for *exequatur*
- § 16:7 Execution of foreign judgments—Case study

CHAPTER 17. COSTA RICA

- § 17:1 Introduction—Types of judgments
- § 17:2 — —Scope of recognition and enforcement
- § 17:3 Legislation
- § 17:4 International treaties
- § 17:5 Procedural requirements—In general
- § 17:6 — —Recognition—Requirements
- § 17:7 — —Exequatur
- § 17:8 — —Review by local courts
- § 17:9 — —Judicial competence
- § 17:10 — —Non-acceptance in case of contradiction
- § 17:11 — —Execution—Filing of documents
- § 17:12 — —Hearing and verification
- § 17:13 — —Objection by party against whom judgment was rendered
- § 17:14 — —Resolution of the First Chamber

CHAPTER 18. CROATIA

- § 18:1 Legal sources—International agreements—In general
- § 18:2 — —Bilateral treaties
- § 18:3 — —Multilateral treaties
- § 18:4 — —National legislation
- § 18:5 Nature of foreign judgment
- § 18:6 Recognition and enforcement—In general
- § 18:7 — —Nature and effect of proceedings
- § 18:8 — —Requirements for recognition and enforcement—In general
- § 18:9 — —Public policy
- § 18:10 — —Reciprocity
- § 18:11 — —Exclusive jurisdiction of domestic court
- § 18:12 — —Decision in same matter
- § 18:13 — —Procedural irregularity

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 18:14 — —Submission of original or certified copy
- § 18:15 — —Certification that judgment is final and binding
- § 18:16 — —Certification that judgment is enforceable
- § 18:17 — —Limitation statute
- § 18:18 — —Review of merits
- § 18:19 — —Course of proceedings—Jurisdiction
- § 18:20 — —Applicant
- § 18:21 — —Motion
- § 18:22 — —Further explanations from parties or foreign court
- § 18:23 — —Decision
- § 18:24 — —Appeal
- § 18:25 — —Decision of the court of appeal
- § 18:26 — —Other remedies
- § 18:27 Court costs—Court taxes and other costs
- § 18:28 —Attorneys' fees
- § 18:29 —Reimbursement of court costs

CHAPTER 19. CYPRUS

- § 19:1 Introduction
- § 19:2 Enforcement under European Union Regulations—In general
- § 19:3 —Civil or commercial matters—Article 1
- § 19:4 —Scope
- § 19:5 —Enforcement
- § 19:6 Enforcement at Common Law
- § 19:7 Enforcement under statute—In general
- § 19:8 —Registration requirements
- § 19:9 —Application to set aside registration
- § 19:10 Other related matters—Fraud
- § 19:11 —Public policy
- § 19:12 —Natural justice—Due process
- § 19:13 —Execution
- § 19:14 —Interest
- § 19:15 —Legal costs
- § 19:16 Arbitration awards—In general
- § 19:17 —Recognition and enforcement
- § 19:18 —Convention requirements
- § 19:19 —Execution

CHAPTER 20. CZECH REPUBLIC

I. OVERVIEW

- § 20:1 Government attitude towards recognition and enforcement of foreign judgments
- § 20:2 Applicable law
- § 20:3 Sources of law—European Union law
- § 20:4 International treaties and conventions
- § 20:5 National law

TABLE OF CONTENTS

II. POLICY AND PROCEDURAL REQUIREMENTS

- § 20:6 Conditions on recognition and enforcement of foreign judgments
- § 20:7 Finality and enforceability of decision
- § 20:8 Exclusive jurisdiction of Czech courts
- § 20:9 Lack of jurisdiction of foreign authority
- § 20:10 Res judicata
- § 20:11 Due process
- § 20:12 Public policy
- § 20:13 Reciprocity
- § 20:14 Limitation of action
- § 20:15 European Union law on requirements for recognition of foreign judgments
- § 20:16 Review on merits

III. RECOGNITION PROCEEDINGS

- § 20:17 Information on debtor's financial situation
- § 20:18 National law on recognition of foreign judgments on property matters
- § 20:19 European Union law; Recast Brussels Regulation and other EU regulations on recognition of foreign judgments

IV. ENFORCEMENT PROCEEDINGS

- § 20:20 Judicial versus executor enforcement
- § 20:21 Judicial enforcement
- § 20:22 Executor enforcement

V. LAWYERS' FEES, COURT COSTS, AND CALCULATION OF INTEREST

- § 20:23 Composition of costs
- § 20:24 Court fees
- § 20:25 Costs of legal representatives
- § 20:26 Costs recovery
- § 20:27 Calculation of interest
- § 20:28 Extent of award of damages

CHAPTER 21. DENMARK

- § 21:1 Introduction—Legal system
- § 21:2 —Recognition and enforcement of foreign judgments
- § 21:3 Statutes and legislation—Code on Civil and Criminal Procedure—In general
- § 21:4 — —Rule as to Germany
- § 21:5 — —Section 479
- § 21:6 —Other statutes
- § 21:7 —“Constitutive” judgments
- § 21:8 Treaties and conventions—Recognition of foreign judgments

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 21:9 —Enforcement of foreign judgments
- § 21:10 —Nordic Judgments Convention
- § 21:11 —1968 Brussels Convention Council Regulation 44/2001 and the recasted Council Regulation 1215/2012 with amendments
- § 21:12 —Convention of 30 June 2005 on Choice of Court Agreements
- § 21:13 Proceedings in Danish courts—Is a separate action necessary?
- § 21:14 —Costs and fees for separate proceedings—Computation of fee
- § 21:15 — —Duty to pay fee
- § 21:16 —Assessment of merits
- § 21:17 —Order for fees and interest
- § 21:18 —Appeal
- § 21:19 Procedure—Foreign judgments with indirect effect
- § 21:20 —Foreign judgments with direct effect
- § 21:21 Case law

CHAPTER 22. ECUADOR

- § 22:1 Governmental attitude
- § 22:2 Governing legislation
- § 22:3 International treaties
- § 22:4 —Private International Law Code, 1928
- § 22:5 —Inter-American Convention on Extra-Territorial Efficacy of Foreign Judgments and Awards, 1979
- § 22:6 Procedural requirements
- § 22:7 —Enforcement of judicial judgments
- § 22:8 —Enforcement of arbitral awards
- § 22:9 —Securing recognition and enforcement
- § 22:10 Availability of appeal
- § 22:11 Procedural costs
- § 22:12 Relevant case law
- § 22:13 —General Cocoa Company v. José Jorgge Arévalo
- § 22:14 —Marie K. Viteri v. José Viteri
- § 22:15 — —Enforcement of foreign judgments
- § 22:16 — —Ecuadorian Civil Procedure Code
- § 22:17 — —Examination of procedure and authority
- § 22:18 — —Judgment of the Ecuadorian court

CHAPTER 23. EGYPT

- § 23:1 Introduction
- § 23:2 Applicable legislation
- § 23:3 Enforcement of foreign judgments—Requirements
- § 23:4 —Reciprocity
- § 23:5 —Jurisdiction
- § 23:6 —Binding effect
- § 23:7 Enforcement procedures—Request for enforcement

TABLE OF CONTENTS

- § 23:8 —Execution seal
- § 23:9 Court fees and other expenses

CHAPTER 24. ENGLAND AND WALES

- § 24:1 Introduction
- § 24:2 Enforcement at Common Law—In general
- § 24:3 —General principles
- § 24:4 —Jurisdiction of the foreign court
- § 24:5 —Residence of individuals
- § 24:6 —Residence of a corporate body
- § 24:7 —Partnerships
- § 24:8 —The “country” issue
- § 24:9 —Submission to the jurisdiction
- § 24:10 Insolvency judgments
- § 24:11 Enforcement at Common Law—Real and close connection with the foreign court
- § 24:12 —Grounds for non-recognition or enforcement of judgment—In general
- § 24:13 — —Fraud
- § 24:14 — —Public policy
- § 24:15 — —Natural justice
- § 24:16 — —Breach of Article 6 of the European Convention of Human Rights
- § 24:17 Administration of Justice Act 1920—In general
- § 24:18 —Grounds for non-registration
- § 24:19 Foreign Judgments (Reciprocal Enforcement) Act 1933—In general
- § 24:20 —Grounds for non-registration
- § 24:21 —Jurisdiction
- § 24:22 Effect of registration—In general
- § 24:23 —Enforcement of judgments between the United Kingdom and Gibraltar
- § 24:24 Multilateral conventions—In general
- § 24:25 —Carriage by rail
- § 24:26 —Claims in respect of air navigation services
- § 24:27 —Oil pollution by ships
- § 24:28 —Other conventions
- § 24:29 Provisions of general application—Proceedings contrary to agreement to settle disputes
- § 24:30 —Steps to contest jurisdiction without submission to jurisdiction
- § 24:31 —Foreign judgments as bar to further proceedings
- § 24:32 Punitive and multiple damages—Exemplary or punitive damages
- § 24:33 —Multiple damages
- § 24:34 Limitation—In general
- § 24:35 —Common Law
- § 24:36 —1920 Act
- § 24:37 —1933 Act

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 24:38 —Convention and regulation judgments
- § 24:39 —Effect of failure of action to enforce a foreign judgment
- § 24:40 Procedure for enforcement—Commencement of action
- § 24:41 —Interest
- § 24:42 —Summary judgment
- § 24:43 —Appeals
- § 24:44 —Trial of action
- § 24:45 —Freezing injunction
- § 24:46 Procedures for registration of foreign judgments—In
general
- § 24:47 —Application
- § 24:48 —Registration order
- § 24:49 —Enforcement
- § 24:50 Registration under the 1920 and 1933 acts—Evidence in
support
- § 24:51 Registration under the 1920 and 1933 Acts—Interest
- § 24:52 —Restraint of assets
- § 24:53 Application to set aside
- § 24:54 Registration of judgments under the Judgments
Regulation and Lugano Convention—In general
- § 24:55 —Interest
- § 24:56 —Appeals
- § 24:57 Registration of judgments under the Brussels
Convention—In general
- § 24:58 —Interest and costs
- § 24:59 —Appeals
- § 24:60 —Application for recognition
- § 24:61 Enforcement of judgments of courts in Scotland and
Northern Ireland
- § 24:62 —Money provisions
- § 24:63 —Non-money judgments
- § 24:64 —Stay and/or setting aside registration
- § 24:65 Enforcement of Community Judgments—In general
- § 24:66 —Application to set aside registration
- § 24:67 European enforcement order for uncontested claims—In
general
- § 24:68 —Certification
- § 24:69 —Enforcement
- § 24:70 —Refusal, stay, or limitation of enforcement
- § 24:71 —European orders for payment—In general
- § 24:72 — —Summary of procedure
- § 24:73 — —Enforcement
- § 24:74 — —Refusal, stay, or limitation of enforcement
- § 24:75 State immunity
- § 24:76 Recognition as a defense—In general
- § 24:77 —Judgments in rem
- § 24:78 Security for costs
- § 24:79 Costs—Court costs
- § 24:80 —Lawyers' fees

TABLE OF CONTENTS

- § 24:81 Enforcement—In general
- § 24:82 —Writ of fieri facias
- § 24:83 —Charging order
- § 24:84 —Third-party debt orders
- § 24:85 —Insolvency

CHAPTER 25. ESTONIA

- § 25:1 Introduction
- § 25:2 Legislation
- § 25:3 Treaties and Conventions
- § 25:4 Policy and procedural requirements
- § 25:5 Steps for recognition
- § 25:6 Review on merits
- § 25:7 Enforcement
- § 25:8 Appeal
- § 25:9 Costs and Fees

CHAPTER 26. FINLAND

- § 26:1 Introduction
- § 26:2 Civil and commercial matters—In general
- § 26:3 —Lugano Convention
- § 26:4 —Brussels Convention and Brussels I
- § 26:5 —Relationship between the Lugano Convention and Brussels I
- § 26:6 —Nordic Conventions
- § 26:7 —Bilateral convention between Finland and Austria
- § 26:8 —European Union Regulation concerning enforcement orders for uncontested claims and small claims
- § 26:9 —New York Convention on Enforcement of International Arbitral Awards
- § 26:10 —No applicable convention or European Union Regulation
- § 26:11 Family matters—Hague Convention
- § 26:12 —Nordic Convention
- § 26:13 —Austrian Judgment Act
- § 26:14 —Divorce judgments—Hague Convention
- § 26:15 — —Brussels IIa Regulation and Nordic Convention
- § 26:16 Trial expenses
- § 26:17 Execution—Procedure
- § 26:18 —Expenses

CHAPTER 27. FRANCE

- § 27:1 Introduction
- § 27:2 Legal framework for enforcement of foreign judgments
- § 27:3 International treaties—In general
- § 27:4 —Multilateral conventions—Brussels and Lugano Conventions
- § 27:5 — —Other multilateral treaties
- § 27:6 —Bilateral treaties

- § 27:7 Substantive grounds—In general—No review on merits
- § 27:8 — —*Munzer* decision
- § 27:9 —Jurisdiction of the foreign court—In general
- § 27:10 —Jurisdiction of foreign court—*Simitch* decision
- § 27:11 — —Exclusive jurisdiction
- § 27:12 — —Characterized link
- § 27:13 —Regularity of proceedings
- § 27:14 —Choice of applicable law
- § 27:15 —Fraud
- § 27:16 —International public policy
- § 27:17 —Lis pendens
- § 27:18 Judgment without formal order—In general
- § 27:19 —Decisions regarding status and capacity of persons
- § 27:20 —appointment of administrators or trustees
- § 27:21 —Effect of foreign judgment as a matter of fact
- § 27:22 Procedures—Mere recognition
- § 27:23 —Action en inopposabilité
- § 27:24 —Formal enforcement—In general
- § 27:25 — —Interest entitling person to seek enforcement
- § 27:26 — —Defendant to proceedings
- § 27:27 — —Required information in enforcement request
- § 27:28 — —Documents required
- § 27:29 — —Bilateral and multilateral conventions
- § 27:30 —Competent courts
- § 27:31 —Res judicata
- § 27:32 —Additional demands
- § 27:33 —Appeal
- § 27:34 —Pourvoi en cassation
- § 27:35 Execution of judgments
- § 27:36 Costs
- § 27:37 Statute of limitations

Volume 2

CHAPTER 28. GERMANY

- § 28:1 Introduction
- § 28:2 —Sources of law—In general
- § 28:3 — —European Community secondary legislation
- § 28:4 — —International law
- § 28:5 — —Autonomous German law
- § 28:6 —Conflict of laws
- § 28:7 —Scheme for recognition
- § 28:8 Recognition and enforcement of foreign judgments
pursuant to autonomous law—In general
- § 28:9 —Recognition of foreign judgments—Extension of effects
- § 28:10 — —Scope of domestic effect
- § 28:11 — —Recognizable effects of a judgment

TABLE OF CONTENTS

- § 28:12 — —Denial of recognition
- § 28:13 — —Procedure
- § 28:14 — —Prerequisites for recognition
- § 28:15 — —Consequences of denial of recognition
- § 28:16 — —Declaring foreign judgments enforceable—In general
- § 28:17 — —Grant of enforceability
- § 28:18 — —Simplified proceedings
- § 28:19 — —Recognition and enforcement of foreign awards
- § 28:20 — —Execution following grant of enforceability—In general
- § 28:21 — —Prerequisites for execution
- § 28:22 — —Execution of claims for money
- § 28:23 — —Execution due to other claims
- § 28:24 — —Legal remedies against execution
- § 28:25 — —Costs, fees, and amount in dispute

CHAPTER 29. GHANA

- § 29:1 Introduction
- § 29:2 — —English influence
- § 29:3 — —Post-Independence legislation
- § 29:4 Current law
- § 29:5 — —Requirements
- § 29:6 — —Judgment currency
- § 29:7 Interest and costs—Interest
- § 29:8 — —Costs
- § 29:9 Setting aside registered judgment
- § 29:10 — —Jurisdiction
- § 29:11 — —Review on merits
- § 29:12 Execution
- § 29:13 Registration
- § 29:14 New constitution
- § 29:15 Conclusion

CHAPTER 30. GIBRALTAR

- § 30:1 Introduction
- § 30:2 At Common Law—Judgments in personam
- § 30:3 — —Judgments in rem
- § 30:4 — —Conclusiveness of the original judgment
- § 30:5 — —Effect of recognition at Common Law
- § 30:6 2001 and 2003 Regulations and Civil Jurisdiction and Judgments Act 1993—Provisions peculiar to Gibraltar
- § 30:7 — —Procedure for and effect of registration
- § 30:8 — —Procedure for appeal against declaration of enforcement
- § 30:9 — —Additional provisions
- § 30:10 — —Judgments against states
- § 30:11 — —Oil pollution conventions
- § 30:12 Judgment (Reciprocal Enforcement) Act—The Act
- § 30:13 — —Application of the Judgments (Reciprocal Enforcement) Act

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 30:14 —Registration
- § 30:15 —Procedure for and effect of registration
- § 30:16 —Application to set aside registration
- § 30:17 —Recognition of judgments
- § 30:18 —Oil pollution conventions
- § 30:19 —Carriage of goods by road convention
- § 30:20 —Nuclear Installations Act 1965
- § 30:21 European Enforcement Orders
- § 30:22 European Union Judgments
- § 30:23 Ancillary relief and execution
- Appendix 30-I. The 2001 and 2003 Regulations and Civil Jurisdiction and Judgments Act 1993
- Appendix 30-II. Judgments (Reciprocal Enforcement) Act
- Appendix 30-III. Judgments (Reciprocal Enforcement) Act—
Checklist of Policy and Procedural Requirements
- Appendix 30-IV. Judgments (Reciprocal Enforcement) Act—
Procedure for Registration
- Appendix 30-V. Judgments (Reciprocal Enforcement) Act—
Procedure for Setting Aside Registration

CHAPTER 31. GREECE

- § 31:1 Introduction
- § 31:2 Recognition and enforcement of foreign judgments and orders of third countries—In general
- § 31:3 —Enforceability requirements: Foreign orders
- § 31:4 —Enforceability requirements: Foreign court judgments
- § 31:5 —Jurisdiction
- § 31:6 —Filing and content of action
- § 31:7 —Evidence
- § 31:8 —Examination of the Greek court
- § 31:9 Recognition and enforcement of foreign judgments and orders of European Union countries—In general
- § 31:10 —Reasons for denial of recognition
- § 31:11 —Declaration of enforceability—Competent court and procedure
- § 31:12 — —Documentation and issue and service of judgment
- § 31:13 —Appeals—Appeals pursuant to the Council Regulation
- § 31:14 — —Appeals pursuant to the Code of Civil Procedure
- § 31:15 Lawyers' fees, court costs, calculation of interest
- § 31:16 Case law of the Greek courts—In general
- § 31:17 —Decision relating to recognition and enforcement procedures
- § 31:18 —Decisions relating to recognition and enforceability obstacles
- § 31:19 —Decisions regarding interim measures
- § 31:20 Conclusion

**CHAPTER 32. [Reserved]
HONG KONG**

CHAPTER 33. HUNGARY

- § 33:1 Introduction
- § 33:2 Sources of law—Statutes
- § 33:3 —Multilateral treaties
- § 33:4 —Bilateral treaties
- § 33:5 Recognition—In general
- § 33:6 —Grounds for refusal
- § 33:7 —Special rules
- § 33:8 —Jurisdiction—In general
- § 33:9 — —Exclusive and excluded jurisdiction
- § 33:10 — —Jurisdiction stipulated by the parties
- § 33:11 — —Special rules
- § 33:12 —Procedural provisions
- § 33:13 —Arbitration
- § 33:14 Rules of enforcement—In general
- § 33:15 —Competent courts of enforcement
- § 33:16 —General conditions
- § 33:17 —Procedural requirements—In general
- § 33:18 — —Direct court garnishment
- § 33:19 — —Direct court notice
- § 33:20 — —Costs and fees
- § 33:21 Execution of money claims—Garnishment of wages and other emoluments, execution on amounts administered by financial institutes
- § 33:22 —Execution on movable assets
- § 33:23 —Execution on real estate
- § 33:24 —Special execution procedures—Execution of definite action
- § 33:25 — —Other special execution processes
- § 33:26 Sale of pledged goods by simplified enforcement procedure, execution of property confiscation
- § 33:27 Legal remedies—Legal remedies in connection with ordering execution—Withdrawal of execution form and deletion of execution clause
- § 33:28 — —Appeal in connection with ordering execution
- § 33:29 — —Petition for review
- § 33:30 — —Other remedies
- § 33:31 —Legal remedies in connection with effectuation of execution—Objection to execution
- § 33:32 — —Appeal in connection with effectuation of execution
- § 33:33 — —Other remedies
- § 33:34 Execution of Hungarian judgments abroad

CHAPTER 34. INDIA

I. INTRODUCTION

- § 34:1 In general
- § 34:2 Government attitude towards recognition and enforcement
- § 34:3 Legislation affecting recognition and enforcement
- § 34:4 International treaties and conventions

II. RECOGNITION AND ENFORCEMENT CHECKLIST

- § 34:5 In general
- § 34:6 Conclusiveness of foreign judgment
- § 34:7 —Competence (jurisdiction of court)
- § 34:8 —Foreign judgment not given on merits
- § 34:9 —Incorrect view of international law or refusal to recognize law of India
- § 34:10 —Natural justice
- § 34:11 —Fraud
- § 34:12 —Breach of law in force in India
- § 34:13 Public policy

III. PROCEDURE FOR RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

- § 34:14 In general
- § 34:15 District Court for purpose of section 44A of Code of Civil Procedure
- § 34:16 Documents required
- § 34:17 Review on merits
- § 34:18 Modes of execution of foreign judgment
- § 34:19 Executing court will not go behind decree
- § 34:20 Appeal
- § 34:21 Lawyers' fees, court costs, and interest

CHAPTER 35. INDONESIA

I. GOVERNMENT ATTITUDE TOWARDS RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

- § 35:1 In general
- § 35:2 Foreign court judgments
- § 35:3 Foreign Arbitral Awards
- § 35:4 Legislation effecting recognition and enforcement of foreign judgments
- § 35:5 International treaties and conventions

II. POLICY OR PROCEDURAL REQUIREMENTS

- § 35:6 Foreign court judgments

TABLE OF CONTENTS

§ 35:7 Foreign arbitral awards

III. PROCEDURAL ANALYSIS

§ 35:8 Foreign court judgments

§ 35:9 Foreign arbitral awards

IV. REVIEW ON MERITS

§ 35:10 Foreign court judgments

§ 35:11 Foreign arbitral awards

V. PROCEEDING FOR EXECUTION

§ 35:12 Foreign court judgments

§ 35:13 Foreign arbitral awards

VI. APPEAL

§ 35:14 Foreign court judgments

§ 35:15 Foreign arbitral awards

VII. LAWYERS' FEES, COURT COSTS, CALCULATION OF INTEREST

§ 35:16 Lawyer's fees

§ 35:17 Court costs

§ 35:18 Interest

CHAPTER 36. IRELAND

I. RECOGNITION AND ENFORCEMENT UNDER BRUSSELS I REGULATION

§ 36:1 Introduction

§ 36:2 Jurisdiction under Recast Brussels Regulation, grounds for recognition of judgment

§ 36:3 Procedures for enforcement

§ 36:4 Provisional and protective measures

§ 36:5 European Enforcement Order

§ 36:6 Other types of enforcement

§ 36:7 Convention on Contracts for International Carriage of Goods by Road

II. RECOGNITION AND ENFORCEMENT AT COMMON LAW

§ 36:8 In general

§ 36:9 Conditions for enforcement at common law

§ 36:10 Excluded categories of foreign judgments

§ 36:11 Defenses under Common Law

§ 36:12 Procedure for enforcement at Common Law

§ 36:13 Costs and interest at Common Law

III. TOOLS TO ENFORCE AGAINST JUDGMENT DEBTOR

- § 36:14 In general
- § 36:15 Execution order
- § 36:16 Publication
- § 36:17 Judgment mortgage
- § 36:18 Discovery in aid of execution
- § 36:19 Garnishee order/Attachment of debts
- § 36:20 Charging order
- § 36:21 Receiver by way of equitable execution
- § 36:22 Insolvency procedures—Alternative to enforcement

CHAPTER 37. ISLE OF MAN

- § 37:1 Introduction—In general
- § 37:2 —Legal status
- § 37:3 Reciprocal recognition—In general
- § 37:4 —International conventions—In general
- § 37:5 — —Carriage by air
- § 37:6 — —Carriage of goods by road
- § 37:7 — —Carriage of passengers and luggage
- § 37:8 — —Arbitration awards
- § 37:9 — —Matrimonial
- § 37:10 — —Child abduction
- § 37:11 Procedure—In general
- § 37:12 —Registration—In general
- § 37:13 — —Setting aside registration
- § 37:14 —Jurisdiction
- § 37:15 —Other issues
- § 37:16 Common Law provisions—In general
- § 37:17 —Jurisdiction
- § 37:18 —Review on merits
- § 37:19 —Execution
- § 37:20 —Lawyers' fees and court costs
- § 37:21 Case law—In re Tucker
- § 37:22 —Davis v. VAG (UK) Limited
- § 37:23 —Interlink Metals v. Regent Systems Limited
- § 37:24 —Price v. Mernotheled
- § 37:25 —Davis v. VAG UK Limited
- § 37:26 —Stapleford Flying Club v. Videovision
- § 37:27 —In re Davis
- § 37:28 Civil Jurisdiction Act 2001

CHAPTER 38. ISRAEL

- § 38:1 Introduction
- § 38:2 Governing Law—In general

TABLE OF CONTENTS

- § 38:3 —Common Law principles
- § 38:4 —Enforcement Law
- § 38:5 —Section 11(b), Enforcement Law
- § 38:6 —Interaction of statute and Common Law
- § 38:7 General terms—Recognition
- § 38:8 —Enforcement
- § 38:9 —Foreign judgment defined
- § 38:10 Enforcement Law—In general
- § 38:11 —General internal jurisdiction—In general
- § 38:12 — —Competence of foreign court
- § 38:13 — —“Safety valves”
- § 38:14 —Non-Appealability of judgment—In general
- § 38:15 — —Impact of reversal of foreign judgments
- § 38:16 — —Appeal and execution
- § 38:17 —Enforceability and non-violation of public policy
- § 38:18 —Executability of judgment in state of rendition
- § 38:19 —Reciprocity of enforcement
- § 38:20 —Period of enforcement
- § 38:21 —Defenses against enforcement—In general
- § 38:22 — —Fraud
- § 38:23 — —No reasonable opportunity to defend
- § 38:24 — —Lack of competence
- § 38:25 — —Contradiction with another judgment
- § 38:26 — —Another suit pending in Israel
- § 38:27 —Procedures
- § 38:28 Enforcement by action
- § 38:29 Recognition—Direct recognition: The Enforcement Law
- § 38:30 —Direct recognition: Not within the Enforcement Law
- § 38:31 —Incidental recognition
- § 38:32 —Enforcement of Foreign Arbitration Awards

CHAPTER 39. ITALY

- § 39:1 Introduction
- § 39:2 Recognition and enforcement of foreign judgments of non-European Union states—International treaties
- § 39:3 —Current procedure
- § 39:4 —Competent judicial authority
- § 39:5 —Legitimatío ad causam
- § 39:6 —Examination by the Court of Appeal
- § 39:7 —Review of substance
- § 39:8 —Stages of review—In general
- § 39:9 — —Procedure pursuant to article 67 of Law Number 218/1995
- § 39:10 — —Appeal
- § 39:11 Recognition and enforcement of foreign judgments of European Union member states—In general
- § 39:12 —Procedure for recognition
- § 39:13 —Competent Italian judicial authority

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 39:14 Recognition of foreign judgments of European Union member states—*Legitimitio ad causam*
- § 39:15 Enforcement of foreign judgments of European Union member states—Proceedings
- § 39:16 Recognition and enforcement of foreign judgments of European Union member states—Review of the substance
- § 39:17 Refusal of recognition and enforcement
- § 39:18 Recognition and enforcement of foreign judgments of European Union member states—Appeal in cassation
- § 39:19 —Judgments on uncontested claims
- § 39:20 Lawyers' fees, court costs, interest

CHAPTER 40. JAMAICA

- § 40:1 Introduction
- § 40:2 Judgment awards (Reciprocal Enforcement) Act (1923)
- § 40:3 —Conditions precedent to registration
- § 40:4 Judgments (Foreign) (Reciprocal Enforcement) Act (1936)
- § 40:5 —Conditions precedent to registration
- § 40:6 Challenges to registration or setting aside of judgments under Acts
- § 40:7 Procedural steps
- § 40:8 Application to set aside registration
- § 40:9 Execution of registered judgment
- § 40:10 Enforcement at common law
- § 40:11 Arbitration awards
- § 40:12 Foreign non-monetary judgments
- § 40:13 Appeals
- § 40:14 Costs

CHAPTER 41. JAPAN

I. INTRODUCTION

- § 41:1 In general

II. CONDITIONS FOR RECOGNITION OF FOREIGN JUDGMENT

- § 41:2 In general
- § 41:3 Final and binding judgment by a foreign court

III. RECOGNITION OF JURISDICTION OF FOREIGN COURT

- § 41:4 In general
- § 41:5 Service to or appearance by defendant
- § 41:6 Public policy in Japan
- § 41:7 Guarantee of reciprocity in place

IV. EXECUTION OF FOREIGN JUDGMENT

- § 41:8 Procedure for execution of foreign judgment

TABLE OF CONTENTS

- § 41:9 Procedure for seeking execution judgment
- § 41:10 Appeal
- § 41:11 Compulsory execution
- § 41:12 Fees and cost

CHAPTER 42. JERSEY

- § 42:1 Introduction
- § 42:2 Conditions for enforcement
- § 42:3 International treaties
- § 42:4 Statutory Law
- § 42:5 Registration
- § 42:6 Enforcement under Common Law
- § 42:7 Execution

CHAPTER 43. JORDAN

- § 43:1 Introduction
- § 43:2 International agreements
- § 43:3 Executable judgments
- § 43:4 Arbitration awards
- § 43:5 Denial of execution—In general
- § 43:6 Denial of execution—Incompetent court
- § 43:7 Denial of execution—Jurisdiction
- § 43:8 Denial of execution—Fraud
- § 43:9 Denial of execution—Judgment not final
- § 43:10 Denial of execution—Public order and morals
- § 43:11 Denial of execution—Previous judgment
- § 43:12 Denial of execution—Reciprocity
- § 43:13 Procedure—In general
- § 43:14 Procedure—Statement of claim
- § 43:15 Procedure—Summons
- § 43:16 Procedure—Examination of claim
- § 43:17 Procedure—Appeal
- § 43:18 Procedure—Amount of claim, costs, and fees
- § 43:19 Procedure—Execution

CHAPTER 44. KENYA

- § 44:1 Introduction
- § 44:2 —Foreign Judgments (Reciprocal Enforcement) Act 1984
- § 44:3 —Rules of court
- § 44:4 Statutes and legislation
- § 44:5 Treaties and conventions
- § 44:6 Procedural requirements
- § 44:7 —Ex parte application
- § 44:8 —Application of Foreign Judgments (Reciprocal Enforcement) Act
- § 44:9 —Registration requirements
- § 44:10 —Securing enforcement
- § 44:11 Review on merits

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 44:12 Appeal
 - § 44:13 —Grounds for setting aside judgment
 - § 44:14 — —Inapplicability of Act
 - § 44:15 — —Further grounds to set aside
 - § 44:16 — —Grounds for appeal
 - § 44:17 — —Jurisdiction
 - § 44:18 —Fraud
 - § 44:19 —Contrary to public policy
 - § 44:20 —Contrary to natural justice
 - § 44:21 —Other bases for appeal
 - § 44:22 Costs—In general
 - § 44:23 —Lawyers' fees
 - § 44:24 —Court costs
 - § 44:25 —Calculation of interest on a foreign judgment
 - § 44:26 Enforcement
 - § 44:27 Policy and practice
 - § 44:28 —Life Insurance Corporation of India v. Valji
 - § 44:29 —Chimanga Changa Limited v. Affiliated Business
Contacts Limited
 - § 44:30 International treaties
 - § 44:31 Transitional provisions
- Appendix 44-A. Legislative Provisions Governing Enforcement of
Foreign Judgments
- Appendix 44-B. Schedule
- Appendix 44-C. Subsidiary Legislation

CHAPTER 45. KOREA

- § 45:1 Introduction—Korean policy
- § 45:2 —Recognition of foreign judgments—General notion of
“recognition”
- § 45:3 — —Res judicata
- § 45:4 — —Conflict between Korean and foreign judgments
- § 45:5 — —Recognition of foreign judgments as facts
- § 45:6 —Enforcement of foreign judgments
- § 45:7 Statutes and legislation
- § 45:8 Requirements for recognition
- § 45:9 —Finality of the foreign judgment
- § 45:10 —Jurisdiction of foreign courts
- § 45:11 — —Exclusive jurisdiction
- § 45:12 — —General jurisdiction over the domicile of the
defendant or the place of the subject matter or property
- § 45:13 — —Jurisdiction over tort and product liability claims
- § 45:14 — —Jurisdiction by agreement or appearance
- § 45:15 — —Jurisdiction over place of performance
- § 45:16 — —Divorce cases
- § 45:17 —Proper notice to Korean defendant
- § 45:18 — —Method of service
- § 45:19 — —Judicial Cooperation Law

TABLE OF CONTENTS

- § 45:20 — —Hague Treaty on Service
- § 45:21 — —Cure by appearance
- § 45:22 —Public policy
- § 45:23 — —Public policy on substance of judgment
- § 45:24 — —Public policy on procedure
- § 45:25 —Reciprocity
- § 45:26 Requirements for enforcement—Statutes
- § 45:27 —Requirements
- § 45:28 —Types of judgments requiring enforcement judgment
- § 45:29 —Procedure for enforcement judgment—Parties and jurisdiction
- § 45:30 — —Trial of enforcement action
- § 45:31 — —Text of enforcement judgment; appeal and execution
- § 45:32 Fees, costs, interest—In general
- § 45:33 —Attorneys' fees
- § 45:34 —Litigation costs incurred in a foreign country
- § 45:35 —Interest on foreign judgments

CHAPTER 46. LATVIA

I. INTRODUCTION

- § 46:1 In general
- § 46:2 European Union Regulations
- § 46:3 International Agreements
- § 46:4 National Regulation

II. STATUTES AND LEGISLATION

- § 46:5 In general
- § 46:6 European Regulations
- § 46:7 National Regulation
- § 46:8 Foreign arbitral awards
- § 46:9 International treaties and conventions

III. POLICY AND PROCEDURAL REQUIREMENTS

- § 46:10 In general
- § 46:11 European Regulations
- § 46:12 National Regulation

IV. REQUIRED STEPS IN ORDER TO SECURE RECOGNITION AND ENFORCEMENT

- § 46:13 In general
- § 46:14 European Union Regulations
- § 46:15 Jurisdiction
- § 46:16 Foreign awards
- § 46:17 Enforcement measures and procedure
- § 46:18 Impact of appeal

V. REVIEW ON MERITS

- § 46:19 International Regulation
- § 46:20 National Regulation

VI. EXECUTION PROCEDURE

- § 46:21 In general
- § 46:22 Enforcement proceedings

VII. APPEAL IN RECOGNITION PROCEEDINGS

- § 46:23 European Union Regulations and International Treaties
- § 46:24 National Regulation
- § 46:25 Foreign arbitral awards

VIII. COSTS

- § 46:26 Court costs
- § 46:27 Attorney's fees
- § 46:28 Reimbursement
- § 46:29 Interest
- § 46:30 Rulings

CHAPTER 47. LIECHTENSTEIN

- § 47:1 Introduction
- § 47:2 Austrian and Swiss Conventions
- § 47:3 Qualifying decisions—Convention with Switzerland
- § 47:4 —Convention with Austria
- § 47:5 Grounds for non-recognition—Public policy of state where judgment is to be recognized or enforced
- § 47:6 —Plea of *res judicata*
- § 47:7 —Lack of competence of deciding court
- § 47:8 —Lack of final legal validity
- § 47:9 —Irregularity in service
- § 47:10 Admissible venues in judgment state—Convention with Switzerland
- § 47:11 —Convention with Austria
- § 47:12 Prohibitions—Convention with Switzerland
- § 47:13 —Convention with Austria
- § 47:14 Prohibition of review—Convention with Switzerland
- § 47:15 —Convention with Austria
- § 47:16 Enforceability
- § 47:17 Application for enforcement—Convention with Switzerland
- § 47:18 —Convention with Austria
- § 47:19 Position of respondent
- § 47:20 Arbitral awards
- § 47:21 Maintenance settlements
- § 47:22 Enforceability of documents
- § 47:23 *Lis pendens*

TABLE OF CONTENTS

- § 47:24 Interpretation
- § 47:25 Precedents
- § 47:26 Legal accession procedure

CHAPTER 48. LUXEMBOURG

- § 48:1 Introduction
- § 48:2 Government attitude toward recognition and enforcement of foreign judgments
- § 48:3 Applicable legislation
- § 48:4 International treaties and conventions
- § 48:5 Procedural requirements—In general
- § 48:6 —Refusal to recognize—Prior judgment
- § 48:7 — —Pending litigation
- § 48:8 — —Inadequate notice
- § 48:9 — —Failure to apply proper law
- § 48:10 — —Public order
- § 48:11 —Examination by court
- § 48:12 —Recognition governed by international treaty or convention
- § 48:13 —Supplemental requirements
- § 48:14 —Statutes of limitation
- § 48:15 Procedural steps—In general
- § 48:16 —Treaty or convention
- § 48:17 —Absent treaty or convention
- § 48:18 Review on merits
- § 48:19 Separate proceeding?
- § 48:20 Appeal
- § 48:21 Costs and fees
- § 48:22 Recent decisions
- § 48:23 Statutes

CHAPTER 49. MALAYSIA

- § 49:1 Introduction
- § 49:2 Reciprocal Enforcement of Judgments Act
- § 49:3 Enforcement of Foreign Arbitral Award
- § 49:4 Recognition and Enforcement of Foreign Judgment
- § 49:5 Application for Registration of Foreign Judgment
- § 49:6 Setting Aside Registration
- § 49:7 Maintenance Orders
- § 49:8 Common Law Action
- § 49:9 Recognition and Enforcement of Foreign Arbitral Awards
- § 49:10 Execution of Judgment
- § 49:11 Re-Sealing of Probate and Letters of Administration
- § 49:12 Documents Filed in Malaysian Courts
- § 49:13 Appeal
- § 49:14 Court Fees, Legal Fees and Costs

CHAPTER 50. MALTA

I. OVERVIEW

- § 50:1 Introduction
- § 50:2 Effect of Malta's accession into the European Union

II. STATUTES OR LEGISLATION AFFECTING RECOGNITION AND ENFORCEMENT

- § 50:3 In general
- § 50:4 Treaties and conventions
- § 50:5 Recognition and enforcement under Maintenance Orders (Reciprocal Enforcement) Act
- § 50:6 Recognition and enforcement under British Judgments (Reciprocal Enforcement) Act
- § 50:7 Convention on recognition and enforcement of foreign arbitral awards

III. PROCEDURAL REQUIREMENTS

- § 50:8 Countries not signatory to Lugano Convention or Brussels I Regulation
- § 50:9 Recognition and enforcement under New York Convention
- § 50:10 Recognition and enforcement under British Judgments (Reciprocal Enforcement) Act
- § 50:11 Recognition and enforcement under Maintenance Orders (Reciprocal Enforcement) Act

IV. STEPS TO SECURE RECOGNITION AND ENFORCEMENT

- § 50:12 Recognition and enforcement of judgments from country not signatory to Lugano convention or Brussels I Regulation
- § 50:13 Recognition and enforcements under New York convention
- § 50:14 Recognition and enforcement under Maintenance Orders (Reciprocal Enforcement) Act
- § 50:15 Recognition and enforcement under British Judgments (Reciprocal Enforcement) Act
- § 50:16 Review on merits
- § 50:17 Execution
- § 50:18 Appeal
- § 50:19 Lawyers' fees, court costs, and interest

V. ILLUSTRATIVE JUDGMENTS

- § 50:20 In general
- § 50:21 Salvatore Camilleri v. Spiridione Mizzi
- § 50:22 Joseph Attard v. Av. Dr. Cremona
- § 50:23 Dr. Alfred Grech v. Charles Spiteri

TABLE OF CONTENTS

- § 50:24 Schoeller International GmbH v. Mario Ellul noe. Et
- § 50:25 Losinjska Plovidba Brodarstvo D.D. v. Valfracht Maritime Co. Ltd. and Valfracht Roro Line Ltd.
- § 50:26 Nicolai Falzon noe. v. Medsea Shipping Agency. Et
- § 50:27 Hugh Peralta noe. v. Zet Limited
- § 50:28 GIE Pari Mutuel Urbain (PMU) v. Zeturf Limited
- § 50:29 Cassar Fuel Limited v. AOT Trading AG
- § 50:30 Johann Stelingwerf v. Denise Caruana
- § 50:31 Av. Malcolm Mifsud noe v. Bet-at-home.com Entertainment Ltd
- § 50:32 Av. Marlon Borg noe v. Virtual Digital Services Limited

CHAPTER 51. MEXICO

- § 51:1 Government attitude towards recognition and enforcement of foreign judgments
- § 51:2 Statutes relating to recognition and enforcement
- § 51:3 International treaties or conventions relevant to recognition and enforcement—In general
 - § 51:4 —Montevideo Convention
 - § 51:5 —La Paz Convention
 - § 51:6 —Apostille Convention
 - § 51:7 —Hague Service Convention
 - § 51:8 —Hague Choice of Court Agreements Convention
- § 51:9 Steps to secure recognition and enforcement—In general
- § 51:10 —Homologation procedure—In general
- § 51:11 — —Jurisdiction
- § 51:12 — —Letters rogatory
- § 51:13 —Requirements for recognition
- § 51:14 —Enforcement procedure
- § 51:15 Review of the merits—In general
- § 51:16 —Execution
- § 51:17 Appeals
- § 51:18 Attorney’s fees, court costs, and interest

CHAPTER 52. THE NETHERLANDS

I. INTRODUCTION

- § 52:1 In general

II. LEGISLATION FOR RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGEMENTS AND ARBITRAL AWARDS

- § 52:2 In general
- § 52:3 Convention-based recognition and enforcement
- § 52:4 Non-convention-based recognition and enforcement
- § 52:5 Circulation of judgments within the Kingdom of The Netherlands

III. RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

- § 52:6 In general
- § 52:7 Convention-based recognition and enforcement
- § 52:8 Non-convention-based recognition and enforcement

IV. INTERNATIONAL TREATIES OR CONVENTIONS WITH REGARD TO RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

- § 52:9 In general
- § 52:10 International conventions
- § 52:11 Bilateral treaties

V. PROCEDURAL REQUIREMENTS FOR RECOGNITION AND ENFORCEMENT OF NON-EUROPEAN UNION JUDGMENTS

- § 52:12 Procedural requirements with convention
- § 52:13 Procedural requirements without convention
- § 52:14 Enforceability
- § 52:15 Statute of limitations
- § 52:16 Lack of reciprocity

VI. SECURING ENFORCEMENT AND DISCOVERY

- § 52:17 Prejudgment attachments
- § 52:18 Enforcement against foreign state
- § 52:19 Discovery
- § 52:20 No review on merits for recognition

VII. SEPARATE PROCEEDINGS FOR ENFORCEMENT

- § 52:21 Enforcement proceedings under convention
- § 52:22 Enforcement proceedings without convention
- § 52:23 Appeal in recognition and enforcement proceedings
- § 52:24 Lawyers' fees and court costs

VIII. RELEVANT CASE LAW

- § 52:25 Gazprombank
- § 52:26 Yukos
- § 52:27 Albania Beg Ambient

CHAPTER 53. NEW ZEALAND

I. INTRODUCTION

- § 53:1 In general

II. ENFORCEMENT AT COMMON LAW

- § 53:2 In general

TABLE OF CONTENTS

- § 53:3 General principles
- § 53:4 Procedure
- § 53:5 Enforcement
- § 53:6 Accident compensation

III. RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT 1934

- § 53:7 In general
- § 53:8 Procedure
- § 53:9 Senior courts
- § 53:10 Judgment for sum of money
- § 53:11 Fines and penalties
- § 53:12 Divisibility of judgments
- § 53:13 Original enforceability
- § 53:14 Finality of judgment
- § 53:15 Setting registration aside
- § 53:16 Limitation period

IV. SENIOR COURTS ACT 2016

- § 53:17 In general
- § 53:18 Procedure
- § 53:19 Opposition
- § 53:20 Costs
- § 53:21 Interest
- § 53:22 Currency conversion
- § 53:23 Trans-Tasman Proceedings Act 2010

V. MISCELLANEOUS ENFORCEMENT PROCEDURES

- § 53:24 In general
- § 53:25 Family

CHAPTER 54. NIGERIA

- § 54:1 Introduction—In general
- § 54:2 —Recognition and enforcement distinguished
- § 54:3 —Supporting theories
- § 54:4 Legal structure—In general
- § 54:5 —Common Law influence
- § 54:6 —The courts
- § 54:7 —Applicable Laws—In general
- § 54:8 — —Constitution of the Federal Republic of Nigeria 1999
(as amended in 2011)
- § 54:9 — —Foreign Judgments (Reciprocal Enforcement) Act
- § 54:10 — —Reciprocal Enforcement of Judgments Ordinance
- § 54:11 — —Sheriffs and Civil Process Act
- § 54:12 International treaties and conventions
- § 54:13 Methods of enforcement—In general
- § 54:14 —Enforcement by statute—In general

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 54:15 — —Registration process
- § 54:16 — —Rule-making power
- § 54:17 —Registration by judgment creditor—In general
- § 54:18 — —Evidence required
- § 54:19 — —Limited registration
- § 54:20 — —Registration for costs
- § 54:21 — —Registration procedure
- § 54:22 — —Effect of registration
- § 54:23 — —Proceedings barred other than by registration
- § 54:24 — —Application to set aside registration
- § 54:25 — —Foreign courts deemed to have jurisdiction
- § 54:26 — —Foreign courts deemed not to have jurisdiction
- § 54:27 — —Registrable judgment not registered
- § 54:28 — —Powers of court on setting aside
- § 54:29 — —Interstate enforcement of foreign judgment
- § 54:30 — —Appeal
- § 54:31 —Enforcement by action—In general
- § 54:32 —Registration by judgment creditor—Comparison between the Reciprocal Enforcement of Judgements Act (1958) and Foreign Judgement (Reciprocal Enforcement) Act (2004)
- § 54:33 —Enforcement by action—Requirements under Common Law
- § 54:34 — —Appeal
- § 54:35 Foreign arbitral awards—In general
- § 54:36 —Application of the Act—In general
- § 54:37 — —“Arbitration” defined
- § 54:38 — —“International” defined
- § 54:39 —Procedure, fees, and venue
- § 54:40 —Miscellaneous provisions
- § 54:41 —Parallel procedures
- § 54:42 —Convention on Settlement of Investment Disputes
- § 54:43 —Form and content of award
- § 54:44 —Method of enforcement of foreign arbitral awards
- § 54:45 —Grounds for refusal of recognition and enforcement
- § 54:46 —Enforcement as a judgment
- § 54:47 —Evidence
- § 54:48 —Enforcement by action
- § 54:49 —Enforcement by Registration under Foreign Judgments (Reciprocal Enforcement) Act
- § 54:50 —Enforcement under the Arbitration and Conciliation Act
- § 54:51 —Limitation of action
- § 54:52 Methods of execution—In general
- § 54:53 —Limitation
- § 54:54 —Writ of fieri facias
- § 54:55 —Garnishee proceedings
- § 54:56 —Judgment summons
- § 54:57 —Enforcement by winding up of company
- § 54:58 —Execution against the government
- § 54:59 —Stay of execution

TABLE OF CONTENTS

- § 54:60 —Stay of execution pending appeal
- § 54:61 Costs and fees—In general
- § 54:62 —Costs
- § 54:63 —Fees

CHAPTER 55. NORTHERN IRELAND

- § 55:1 Introduction
- § 55:2 Governing regimes
- § 55:3 —The Brussels Convention
- § 55:4 —The Lugano Convention
- § 55:5 —Intra-United Kingdom cases
- § 55:6 —The Administration of Justice Act 1920
- § 55:7 —The Foreign Judgments (Reciprocal Enforcement) Act 1933
- § 55:8 —Common Law judgments
- § 55:9 —Judgments under specific multilateral conventions
- § 55:10 Checklist
- § 55:11 Recognition without enforcement
- § 55:12 —Brussels Convention cases
- § 55:13 —Lugano Convention cases
- § 55:14 —Intra-United Kingdom cases
- § 55:15 —1920 Act cases
- § 55:16 —1933 Act cases
- § 55:17 —Common Law cases
- § 55:18 Registration—Brussels Convention cases—Conditions for registration
- § 55:19 — —Review on the merits
- § 55:20 — —Interest and costs
- § 55:21 — —Procedure for registration
- § 55:22 — —Appeals against registration
- § 55:23 —Lugano Convention cases—Conditions for registration
- § 55:24 — —Review on the merits
- § 55:25 — —Interest and costs
- § 55:26 — —Procedure for registration
- § 55:27 — —Appeals against registration
- § 55:28 —Intra-United Kingdom cases—Conditions for registration
- § 55:29 — —Review on the merits
- § 55:30 — —Interest and costs
- § 55:31 — —Procedure for registration
- § 55:32 — —Appeals against registration
- § 55:33 —1920 Act cases—Conditions for registration
- § 55:34 — —Defenses to registration
- § 55:35 — —Review on the merits
- § 55:36 — —Interest and costs
- § 55:37 — —Procedure for registration
- § 55:38 — —Appeals against registration
- § 55:39 —1933 Act cases—Conditions for registration
- § 55:40 — —Review on the merits

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 55:41 — —Interest and costs
- § 55:42 — —Procedure for registration
- § 55:43 — —Appeals against regulation
- § 55:44 — —Common Law cases
- § 55:45 — —Conditions for an action on the foreign judgment at
Common Law
- § 55:46 — —Judgments in rem
- § 55:47 — —Conclusiveness of the foreign judgment
- § 55:48 — —Defenses to enforcement—Fraud
- § 55:49 — —Public policy
- § 55:50 — —Natural justice
- § 55:51 — —Review on the merits
- § 55:52 — —Interest
- § 55:53 — —Procedure
- § 55:54 — —Enforcement under multilateral conventions
- § 55:55 Enforcement
- § 55:56 — —Notice of intent
- § 55:57 — —Discovery procedure
- § 55:58 — —Discovery application
- § 55:59 — —Order charging land
- § 55:60 — —Installment order
- § 55:61 — —Attachment of earnings order
- § 55:62 — —Order for seizure of goods
- § 55:63 — —Order for possession of land or goods
- § 55:64 — —Receiver order
- § 55:65 — —Stay on enforcement and satisfaction

Appendix 55-I. High Court Sample Forms

CHAPTER 56. NORWAY

I. OVERVIEW; GOVERNING LAW

- § 56:1 Introduction
- § 56:2 Legislation
- § 56:3 International treaties and conventions
- § 56:4 Policy and procedural requirements
- § 56:5 Steps to secure recognition and enforcement of a foreign
judgment
- § 56:6 Review on merits
- § 56:7 Execution on judgment
- § 56:8 Appeal
- § 56:9 Lawyers' fees, court costs, and interest

II. SELECTED JUDGEMENTS

- § 56:10 In general
- § 56:11 Service of originating writ—Judgement in absentia
- § 56:12 Ordre public exception
- § 56:13 Civil Dispute Act—Excerpts

TABLE OF CONTENTS

- § 56:14 Arbitration Act—Excerpts
- § 56:15 Enforcement Act—Excerpts

CHAPTER 57. PAKISTAN

I. OVERVIEW

- § 57:1 Introduction
- § 57:2 Attitude towards recognition and enforcement of foreign judgments

II. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

- § 57:3 Judgments in personam
- § 57:4 Judgments in rem

III. CONCLUSIVENESS OF FOREIGN JUDGMENTS

- § 57:5 In general
- § 57:6 Foreign judgment not pronounced by court of competent jurisdiction
- § 57:7 Jurisdiction over subject matter
- § 57:8 Jurisdiction over defendant
- § 57:9 Foreign judgment not issued on merits of case
- § 57:10 Foreign judgment appears to be founded on incorrect view of international law or refusal to recognize law of Pakistan
- § 57:11 Proceedings in which foreign judgment was obtained are opposed to natural justice
- § 57:12 Foreign judgment has been obtained by fraud
- § 57:13 Foreign judgment sustains claim founded on breach of law in force in Pakistan
- § 57:14 Modes of enforcement of foreign judgments

IV. PROCEDURE FOR EXECUTION OF FOREIGN JUDGMENT

- § 57:15 In general
- § 57:16 Notice to show cause against execution
- § 57:17 Review on merits
- § 57:18 Limitation
- § 57:19 Recognition and enforcement of foreign judgments in children's matters

V. PROOF OF FOREIGN JUDGMENT

- § 57:20 Manner of proving foreign judgment

VI. ADDITIONAL RELIEF—INTEREST; COURT COSTS; ATTORNEYS' FEES

- § 57:21 Interest

- § 57:22 Costs
- § 57:23 Attorney's fees

CHAPTER 58. PANAMA

I. IN GENERAL

- § 58:1 Introduction
- § 58:2 Statutes
- § 58:3 International treaties
- § 58:4 Requirements for recognition and enforcement

II. PROCEDURE FOR RECOGNITION

- § 58:5 Exequatur
- § 58:6 Precautionary measures
- § 58:7 Enforcement of foreign judgments on maritime matters

III. ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

- § 58:8 New Arbitration Law
- § 58:9 Interim measures
- § 58:10 Enforcement of foreign arbitral award
- § 58:11 Causes for annulment of international arbitral award

IV. INTERNATIONAL BANKRUPTCY

- § 58:12 In general
- § 58:13 Protection of local creditors
- § 58:14 Ranking of credits

V. REVIEW ON MERITS

- § 58:15 In general

CHAPTER 59. PARAGUAY

I. IN GENERAL

- § 59:1 Introduction
- § 59:2 Relevant legislation
- § 59:3 International Treaties and Convention
- § 59:4 Procedural Requirements
- § 59:5 Recognition of Foreign Judgments
- § 59:6 Recognition of Foreign Arbitral Awards

II. EXECUTION AND ENFORCEMENT OF FOREIGN JUDGMENTS AND ARBITRAL AWARDS

- § 59:7 Execution of Foreign Judgments
- § 59:8 Execution of Foreign Arbitration Awards

TABLE OF CONTENTS

- § 59:9 Enforcement of Foreign Judgments and Arbitration Awards
- § 59:10 Review on Merits
- § 59:11 Appeal
- § 59:12 Attorneys' Fees and Court Costs

CHAPTER 60. PERU

- § 60:1 Introduction
- § 60:2 Regulation of foreign judgments and arbitration awards
- § 60:3 Exequatur procedure
- § 60:4 Reciprocity principle
- § 60:5 Requisites for recognition of foreign judgments
- § 60:6 Procedure for recognition of foreign judgments
- § 60:7 Procedure for enforcement of foreign judgments—In general
- § 60:8 —Appeal
- § 60:9 Court costs
- § 60:10 Jurisprudence
- § 60:11 Arbitration—In general
- § 60:12 —Limitations
- § 60:13 —Recognition and enforcement of awards
- § 60:14 —Denial of recognition and enforcement

CHAPTER 61. THE PHILIPPINES

- § 61:1 Introduction—State policy
- § 61:2 —Governing law
- § 61:3 Recognition and enforcement distinguished
- § 61:4 Requirements
- § 61:5 —Subject matter of judgment
- § 61:6 —Res judicata
- § 61:7 —Case law
- § 61:8 — —General Corporation of The Philippines v. Union Insurance Society of Canton, Ltd.
- § 61:9 — —Perkins v. Benguet Consolidated Mining Company
- § 61:10 — —Borthwick v. Bartolome
- § 61:11 — —Pilapil v. Somera
- § 61:12 — —Roehr v. Rodriguez
- § 61:13 — —World Universal Trading and Investment Company, SA v. Construction and Development Corporation of The Philippines
- § 61:14 Defenses—In general
- § 61:15 —Want of jurisdiction—Divorce
- § 61:16 — —Probate
- § 61:17 — —Estoppel
- § 61:18 —Want of notice
- § 61:19 —Collusion
- § 61:20 —Fraud
- § 61:21 —Clear mistake of law or fact

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 61:22 — —Ingenohl v. Walter E. Olsen & Company, Inc.
- § 61:23 — —Nagarmull v. Binalbagan-Lsabela Sugar Company, Inc.
- § 61:24 — —Bank of Philippine Islands Securities Corporation v. Guevara
- § 61:25 — —Contravention of public policy
- § 61:26 — —Divorce among Filipino citizens
- § 61:27 — —Custody of minor children
- § 61:28 — —Benefits for war veterans
- § 61:29 — —Statute of limitations
- § 61:30 — —Forum non conveniens
- § 61:31 — —Foreign arbitral award
- § 61:32 Procedure—Pleadings—Capacity of parties
- § 61:33 — —Intervention
- § 61:34 — —Pleadings—Inclusion of additional parties
- § 61:35 — —Cause of action
- § 61:36 — —Evidence—Presumptions
- § 61:37 Evaluation of Evidence
- § 61:38 Procedure—Evidence—Proof of foreign judgment
- § 61:39 — —Translation
- § 61:40 — —Relief—Interest
- § 61:41 — —Attorney’s fees
- § 61:42 — —Costs of suit
- § 61:43 — —Appeal
- § 61:44 — —Execution

CHAPTER 62. POLAND

I. OVERVIEW

- § 62:1 Introduction
- § 62:2 Sources of law
- § 62:3 Policy and procedural requirements—In general
- § 62:4 — —Criteria for enforcement of foreign judgments
- § 62:5 Steps toward recognition and enforcement—In general
- § 62:6 — —Recognition of judgment
- § 62:7 Review on merits
- § 62:8 Execution of judgment
- § 62:9 Appeal
- § 62:10 Lawyers’ fees, court costs, and calculation of interest
- § 62:11 Relevant judgments

CHAPTER 63. PORTUGAL

- § 63:1 Introduction
- § 63:2 Applicable statutes
- § 63:3 International conventions
- § 63:4 Policy and procedure—In general
- § 63:5 — —Authenticity and propriety
- § 63:6 — —Final judgment

TABLE OF CONTENTS

- § 63:7 —Proper jurisdiction
- § 63:8 —Lis pendens and res judicata
- § 63:9 —Service of process
- § 63:10 —Public policy
- § 63:11 —Domestic private law
- § 63:12 —Defenses against recognition
- § 63:13 —Verification by the judge
- § 63:14 Procedural analysis—Competent court
- § 63:15 —Initiating the action
- § 63:16 Decree of review
- § 63:17 Execution of judgment
- § 63:18 —Execution for payment of a certain amount
- § 63:19 —Execution for delivery of a certain item
- § 63:20 —Execution for an intangible right
- § 63:21 Rights of appeal
- § 63:22 Valuation of action

CHAPTER 64. ROMANIA

- § 64:1 Introduction
- § 64:2 Government Attitude toward Recognition and Enforcement of Foreign Judgements
- § 64:3 International Treaties and Conventions
- § 64:4 Policy or Procedural Requirements
- § 64:5 Steps to Recognize and Enforce
- § 64:6 Review on Merits
- § 64:7 Execution
- § 64:8 Effects of Exequatur Proceedings
- § 64:9 Appeal
- § 64:10 Fees and Costs
- § 64:11 Selected Cases

CHAPTER 65. RUSSIA

- § 65:1 General attitude toward recognition and enforcement of foreign judgments
- § 65:2 Statutes and legislation
- § 65:3 International treaties
- § 65:4 Procedural requirements—Finality of award
- § 65:5 —Statute of limitation
- § 65:6 —Requirements as to defendant
- § 65:7 —Service of proceedings
- § 65:8 —Extent of damages awards
- § 65:9 —Exclusive jurisdiction
- § 65:10 Steps to secure recognition and enforcement—Documents
- § 65:11 —Form of foreign documents
- § 65:12 —Application for enforcement
- § 65:13 —Appeal
- § 65:14 —Writ of enforcement
- § 65:15 Execution—In general

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 65:16 —Priority
- § 65:17 —Enforcement auctions
- § 65:18 —Challenging sale
- § 65:19 —Other bailiffs' powers
- § 65:20 —Termination of enforcement proceedings
- § 65:21 —Foreign exchange control rules
- § 65:22 Judgments illustrating practice regarding recognition and enforcement—Pan Am Pharmaceuticals
- § 65:23 —Moscow Narodny Bank
- § 65:24 —Avtokombinat Number 26
- § 65:25 —Gosudarstvennoe uchregdenie Rossisky cardiologicheski nauchno-proizvodstvenni complex Minzdrava Rossii
- § 65:26 —OOO Bester
- § 65:27 —Yukos
- § 65:28 —OOO Plastima
- § 65:29 —Lesnie resursi
- § 65:30 —Rentpool B.V
- § 65:31 —Oceanic San Shipping N.V
- § 65:32 —Boegli-Gravures S.A
- § 65:33 —Nortel Networks UK Limited
- § 65:34 —Fringilla Co. Ltd.
- § 65:35 —Demesne Investments Ltd. vs. Galfis
- § 65:36 —Crossana Limited
- § 65:37 —JSC Guta—Strakhovaniye
- § 65:38 Judgments illustrating the practice regarding recognition and enforcement—Vladimir Kekhman
- § 65:39 Judgments illustrating practice regarding recognition and enforcement—LLC Investizionnaya Kompaniya “Krasniy Ochyabr,” LLC Polaris-Neva, LLC Velton
- § 65:40 —Marugo Fukuyama Suisan Co. LTD
- § 65:41 —OPK Biotech LLC
- § 65:42 —AktauOilMash LLP
- § 65:43 —AKB Peresvet
- § 65:44 —*Bankruptcy of Mr. Batrachenko*
- § 65:45 —Overview of recent developments in judicial practice

Appendix 65-I. Bilateral Treaties

CHAPTER 66. SAUDI ARABIA

- § 66:1 Introduction
- § 66:2 International conventions—Arab League Convention
- § 66:3 —Riyadh Convention
- § 66:4 —Other conventions
- § 66:5 Board of Grievances law
- § 66:6 —Rules of Civil Procedure
- § 66:7 —Enforcement procedures
- § 66:8 Requirements for enforcement—Checklist
- § 66:9 —Procedure
- § 66:10 Appeal

TABLE OF CONTENTS

- § 66:11 Execution
- § 66:12 Fees, costs, and interest
- § 66:13 Precedents
- § 66:14 —Under the Arab League Convention
- § 66:15 —Enforcement of English High Court judgments
- § 66:16 Arbitral awards
- § 66:17 —Arab League awards
- § 66:18 —New York Convention awards
- § 66:19 —Washington Convention awards

CHAPTER 67. SCOTLAND

- § 67:1 Introduction
- § 67:2 Common Law—Continuing relevance of Common Law procedures
- § 67:3 —Procedure for enforcement of foreign judgment at Common Law
- § 67:4 —Objection to decree conform on a foreign judgment
- § 67:5 Legislation—Administration of Justice Act 1920—In general
- § 67:6 — —Judgments covered by scheme of 1920 Act
- § 67:7 — —Procedure for enforcement in Scotland
- § 67:8 — —Objection to registration
- § 67:9 — —Effect of registration
- § 67:10 — —Enforcement of 1920 Act Judgment by Common Law Procedure
- § 67:11 —Foreign Judgments (Reciprocal Enforcement) Act 1933—In general
- § 67:12 — —Judgments covered by the 1933 Act
- § 67:13 — —Extension of the 1933 Act to international conventions
- § 67:14 — —Procedure for enforcement in Scotland under the 1933 Act
- § 67:15 — —Objection to registration
- § 67:16 — —Effect of registration
- § 67:17 —Reciprocal enforcement of United Kingdom judgments—In general
- § 67:18 — —Scope of reciprocal enforcement of United Kingdom judgments
- § 67:19 — —Procedure for enforcement
- § 67:20 — —Objection to registration
- § 67:21 — —Effect of registration
- § 67:22 Modes of execution—In general
- § 67:23 —Arrestment of funds and movable property
- § 67:24 —Earnings arrestment
- § 67:25 —Attachment
- § 67:26 —Land attachment
- § 67:27 —Money attachment
- § 67:28 —Residual attachment
- § 67:29 —Debt arrangement scheme

- § 67:30 —Inhibition
- § 67:31 —Insolvency

CHAPTER 68. SINGAPORE

- § 68:1 Introduction
- § 68:2 Choice of courts mechanism and Reciprocal enforcement mechanism—In general
- § 68:3 Choice of court mechanism—Recognition and Enforcement under the Choice of Court Agreements Act—Enforceable Judgments
- § 68:4 — —limitation period
- § 68:5 — —Circumstances of refusal to enforce a foreign judgment
- § 68:6 —Procedural Matters—In general
- § 68:7 Reciprocal enforcement mechanism—Registration under the Reciprocal Enforcement of Foreign Judgments Act—Reciprocity
- § 68:8 — —Enforceable judgments
- § 68:9 — —Registration within six years
- § 68:10 — —Restrictions on registration
- § 68:11 — —Effect of registration
- § 68:12 — —Restriction on enforcement
- § 68:13 — —Setting aside the registration of judgments
- § 68:14 — —Appeal is pending or contemplated
- § 68:15 — —Registrable judgments not to be enforced otherwise
- § 68:16 —Procedural matters—In general
- § 68:17 — —Order 60
- § 68:18 Action based on Common Law
- § 68:19 Enforcement proceedings—In general
- § 68:20 —Enforcement of foreign arbitral award—In general
- § 68:21 — —Enforcement of award
- § 68:22 — —Enforcement of foreign award
- § 68:23 —Procedural matters
- § 68:24 — —Reciprocal Enforcement of Foreign Judgments Act
- § 68:25 Enforcement of judgment of high court abroad—Under Reciprocal Enforcement of Foreign Judgments Act—In general
- § 68:26 Enforcement of judgment of General Division of the High Court abroad—Under Reciprocal Enforcement of Foreign Judgments Act—Procedure for certification
- § 68:27 Enforcement of judgment of high court abroad—Where neither Act applies

CHAPTER 69. SLOVAK REPUBLIC

- § 69:1 Introduction—In general
- § 69:2 —International treaties
- § 69:3 —European Union legislation on the recognition and enforcement of foreign judgments in Slovakia
- § 69:4 Legal framework—In general

TABLE OF CONTENTS

- § 69:5 —Act on International Private Law
- § 69:6 —Act on Arbitration Proceedings
- § 69:7 —Civil Procedure Code
- § 69:8 —Distraint Rules
- § 69:9 Recognition and enforcement procedures
- § 69:10 Recognition and enforcement of foreign judgments—
Recognition of foreign judgments—Type of decisions that
may be recognized
- § 69:11 — —Conditions for recognition of foreign judgment
- § 69:12 — —Recognition of various types of judgments
- § 69:13 — —Proceedings for recognition of foreign judgments
- § 69:14 — —Recognition of foreign arbitration awards
- § 69:15 — —Recognition of decisions of foreign administrative
authorities
- § 69:16 —Enforcement of foreign judgments in Slovakia—In
general
- § 69:17 — —Judicial enforcement of judgments
- § 69:18 — —Enforcement of judgments by court-appointed
distrainers
- § 69:19 Lawyers fees, court costs, and other fees—Legal fees
- § 69:20 —Court fees
- § 69:21 —Distrainers' fees

CHAPTER 70. SOUTH AFRICA

I. OVERVIEW

- § 70:1 Introduction

II. INTERNATIONAL COMPETENCE OR INTERNATIONAL JURISDICTION

- § 70:2 Common law requirements
- § 70:3 Claims sounding in money
- § 70:4 Judgment in respect of property
- § 70:5 Matrimonial matters

III. OTHER REQUIREMENTS FOR ENFORCEMENT OF FOREIGN JUDGMENT; DEFENSES

- § 70:6 Finality requirement
- § 70:7 Public policy limits on enforcement of foreign judgment
- § 70:8 Natural justice; fundamental fairness
- § 70:9 Judgment obtained by fraud
- § 70:10 Foreign revenue laws and penal laws
- § 70:11 Sovereignty of foreign state
- § 70:12 Foreign institutions or rules unknown to South African
legal system; exceptions
- § 70:13 Ministerial permission

IV. STATUTORY POSITION

- § 70:14 In general

- § 70:15 Defenses
- § 70:16 Stay of execution
- § 70:17 Presumptions
- § 70:18 Removal of assets

V. PRACTICAL IMPLEMENTATION OF COMMON LAW POSITION

- § 70:19 In general
- § 70:20 Res judicata
- § 70:21 Foreign court
- § 70:22 Foreign law
- § 70:23 Judgments in foreign currency
- § 70:24 Costs
- § 70:25 Prescription or limitation of actions
- § 70:26 Foreign arbitral awards
- § 70:27 Enforcement of arbitral clauses in international agreements
- § 70:28 Scope of application of Act
- § 70:29 Constitutionality of section 3 of Institution of Legal Proceedings Against Certain Organs of State Act
- § 70:30 International aspects

CHAPTER 71. SPAIN

- § 71:1 Introduction
- § 71:2 Recognition and enforcement of judgments issued outside European Union—In general
 - § 71:3 —Multilateral treaties
 - § 71:4 —Bilateral treaties
- § 71:5 Recognition and enforcement of judgments issued outside the European Union—Absence of treaties on recognition and enforcement of foreign judgments
- § 71:6 Requirements for recognition and enforcement—In general
- § 71:7 Requirements for recognition and enforcement—Specific requirements
- § 71:8 Requirements for recognition and enforcement—Procedure—Legal standing
- § 71:9 — —Competence
- § 71:10 — —Documentation
- § 71:11 — —Proceedings
- § 71:12 — —Appeal
- § 71:13 — —Enforcement
- § 71:14 Recognition and enforcement of foreign judgments of European Union member states—In general
 - § 71:15 —Regulation (EU) 1215/2012—In general
 - § 71:16 — —Procedural requirements
 - § 71:17 — —Procedure for recognition and enforcement of European Union judicial resolutions
- § 71:18 —Council Regulation(EC) 805/2004—In general

TABLE OF CONTENTS

- § 71:19 —Council Regulation (EC) 805/2004—Enforcement of European enforcement order
- § 71:20 —Council Regulation (EC) 1896/2006
- § 71:21 —Council Regulation (EC) 861/2007
- § 71:22 —Brussels Convention of 27 September 1968
- § 71:23 Interim measures
- § 71:24 Lawyers' fees, court costs, and interest—Lawyers' fees and court costs
- § 71:25 —Interest
- § 71:26 Recognition and enforcement of foreign arbitration awards

CHAPTER 72. SRI LANKA

- § 72:1 Introduction—Attitude of the government to the enforcement of foreign judgments
- § 72:2 Relevant statutes and legislation—Applicable domestic legislation
- § 72:3 —Other relevant legislation
- § 72:4 — —Evidence ordinance
- § 72:5 — —Foreign Exchange Act and the Exchange Control Act
- § 72:6 —International treaties and conventions
- § 72:7 Procedural requirements for enforcing a foreign judgment—Checklist
- § 72:8 —Procedure
- § 72:9 —Documentary requirements
- § 72:10 Recognition and enforcement of foreign judgments—Recognition
- § 72:11 Review by the courts
- § 72:12 Proceeding for execution
- § 72:13 Appeal
- § 72:14 Lawyer's fees, court costs, and calculation of interest on the foreign judgment—Court costs and lawyer's fees
- § 72:15 —Calculation of interest
- § 72:16 Case law—Policy regarding enforcement of judgments obtained in Hong Kong
- § 72:17 —Case law concerning the rules of court
- § 72:18 Relevant statutes and court decisions—Court decisions
- § 72:19 —Statutes
- Appendix 72-I. Reciprocal Enforcement of Judgments Ordinance
- Appendix 72-II. Rules of Court
- Appendix 72-III. Appeals
- Appendix 72-IV-A. Part I
- Appendix 72-IV-B. Part II Scale of Fees to be Paid to Counsel and Registered Attorneys in the Court of Appeal

CHAPTER 73. SWEDEN

- § 73:1 Introduction—In general

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 73:2 —Judgments effective in Sweden
- § 73:3 —Judgments recognized in Sweden
- § 73:4 —Judgments having evidentiary weight
- § 73:5 Legislation
- § 73:6 Treaties and statutes—Conventions other than those concerning family law—In general
 - § 73:7 — —1932 Convention
 - § 73:8 — —1936 Convention
 - § 73:9 — —Geneva Convention of 1956
 - § 73:10 — —Paris Convention of 1960
 - § 73:11 — —Brussels Convention and the 2001 Convention
 - § 73:12 — —Convention of 1971
 - § 73:13 — —1973 Convention
 - § 73:14 — —1977 Convention
 - § 73:15 — —COTIF 1999
 - § 73:16 — —1982 Convention
 - § 73:17 — —Hague Conventions
 - § 73:18 — —2005 Hauge Convention
 - § 73:19 — —Hague Convention of 2019
 - § 73:20 —Conventions concerning family law—Hague Convention of 1902
 - § 73:21 — —Hague Convention of 1970
 - § 73:22 — —Act on Parenthood in International Situations
 - § 73:23 — —Act on Recognition of Nordic Parenthood Decisions
 - § 73:24 — —Act on Adoption in International Situations
 - § 73:25 — —Convention of 1931
 - § 73:26 — —Council Regulation 650/2012
 - § 73:27 — —Act on Succession in International Situations
 - § 73:28 — —Luxembourg Convention of 1980
 - § 73:29 Treaties and statutes-Conventions concerning family law-Hague Convention of 1996
 - § 73:30 Treaties and statutes—Conventions concerning family law—Convention of 1962
 - § 73:31 — —Hague Convention of 1958
 - § 73:32 — —Hague Convention of 1973
 - § 73:33 — —Property of spouses and cohabitants in international situations
 - § 73:34 Policy requirements
 - § 73:35 Procedure
 - § 73:36 Review
 - § 73:37 Enforcement proceedings
 - § 73:38 Appeal
 - § 73:39 Costs
 - § 73:40 Precedents—Nytt Juridiskt Arkiv (2019), at p. 969
 - § 73:41 —Nytt Juridiskt Arkiv (2019), at p. 504
 - § 73:42 —Nytt Juridiskt Arkiv (2010), at p. 719
 - § 73:43 —Nytt Juridiskt Arkiv (2008), at p. 873
 - § 73:44 —Nytt Juridiskt Arkiv (2007), at p. 782
 - § 73:45 —Nytt Juridiskt Arkiv (2001), at p. 911

TABLE OF CONTENTS

- § 73:46 —Nytt Juridiskt Arkiv (1998), at p. 817
- § 73:47 —Nytt Juridiskt Arkiv (1992), at p. 592
- § 73:48 —Nytt Juridiskt Arkiv (1986), at p. 119
- § 73:49 —Nytt Juridiskt Arkiv (1983), at p. 814
- § 73:50 —Nytt Juridiskt Arkiv (1975), at p. 601
- § 73:51 —Nytt Juridiskt Arkiv (1974), at p. 629
- § 73:52 —Nytt Juridiskt Arkiv (1974), at p. 324
- § 73:53 —Nytt Juridiskt Arkiv (1973), at p. 628
- § 73:54 —Nytt Juridiskt Arkiv (1953), at p. 407
- § 73:55 —Nytt Juridiskt Arkiv (1949), at p. 724
- § 73:56 —Nytt Juridiskt Arkiv (1935), at p. 611
- § 73:57 —Mål som ej införts i NJA, HD Ö 5314/04
- § 73:58 —Rättsfall från hovrätterna (2004), ref. 35
- § 73:59 —Rättsfall från hovrätterna (2002), ref. 18

CHAPTER 74. SWITZERLAND

- § 74:1 Introduction
- § 74:2 Enforcement—Object of recognition and enforcement
- § 74:3 —Substantive prerequisites of recognition and enforcement—Under the Lugano Convention
- § 74:4 — —Under the private international law statute
- § 74:5 — —Jurisdiction of foreign court or authority
- § 74:6 — —Finality of foreign judgment
- § 74:7 — —Absence of grounds for refusal
- § 74:8 —Procedural questions
- § 74:9 Multilateral conventions
- § 74:10 Bilateral conventions
- § 74:11 Appeal
- § 74:12 Costs
- § 74:13 Practical approach

CHAPTER 75. TANZANIA

I. INTRODUCTION

- § 75:1 In general
- § 75:2 Relevant legislation
- § 75:3 International treaties

II. PROCEDURAL REQUIREMENTS

- § 75:4 In general
- § 75:5 Step-by-step analysis
- § 75:6 Review on merits
- § 75:7 Execution proceedings
- § 75:8 Appeal
- § 75:9 Lawyer fees, court costs, and interest

CHAPTER 76. THAILAND

I. OVERVIEW

- § 76:1 Introduction
- § 76:2 Foreign judgments
- § 76:3 Strategies for enforcing foreign judgment

II. FOREIGN ARBITRAL AWARDS

- § 76:4 Legislation
- § 76:5 International Conventions
- § 76:6 Procedural requirements
- § 76:7 Appeal

CHAPTER 77. TURKEY

- § 77:1 Introduction
- § 77:2 Legislation and treaties
- § 77:3 Procedure and policy—Court and venue
- § 77:4 —Documents
- § 77:5 —Representation
- § 77:6 —Prerequisites—In general
- § 77:7 — —Civil law matters
- § 77:8 — —Finality
- § 77:9 — —Reciprocity
- § 77:10 — —Exclusivity of Turkish Courts
- § 77:11 — —Public policy
- § 77:12 — —Service to defendant
- § 77:13 — —Direct applicability of Turkish Law
- § 77:14 Recognition and enforcement—In general
- § 77:15 —Security
- § 77:16 —Proceedings
- § 77:17 —Review on merits
- § 77:18 Execution
- § 77:19 Costs and fees—Court charges
- § 77:20 —Lawyers' fees
- § 77:21 —Interest
- § 77:22 —Repatriation of proceeds
- § 77:23 Precedents—In general
- § 77:24 —Status of judgment
- § 77:25 —Competency
- § 77:26 —Enforcement procedure
- § 77:27 —Enforcement conditions
- § 77:28 —Recognition
- § 77:29 International arbitration law—In general
- § 77:30 —General provisions—In general
- § 77:31 — —Objective and scope
- § 77:32 — —Foreign element
- § 77:33 —Court assistance and competent court

TABLE OF CONTENTS

- § 77:34 —Form of arbitration agreement and interim measures
- § 77:35 —Composition of arbitral tribunal
- § 77:36 —Arbitral proceeding
- § 77:37 —Recourse against arbitral award
- § 77:38 —Fees and expenses
- § 77:39 Istanbul arbitration center
- Appendix 77-I. Legislative Provisions
- Appendix 77-II. Bilateral Treaties on Enforcement of Foreign Judgments
- Appendix 77-III. Multilateral Agreements on Recognition and Enforcement of Judgment

CHAPTER 78. UKRAINE

- § 78:1 Legal framework
- § 78:2 Procedural requirements
- § 78:3 Applicable norms

CHAPTER 79. UNITED STATES

- § 79:1 Attitude toward recognition and enforcement of foreign judgments; in general
- § 79:2 Sources of domestic law
- § 79:3 International treaties and conventions
- § 79:4 Procedural requirements for recognition
- § 79:5 —Personal jurisdiction
- § 79:6 —Statutes of limitations
- § 79:7 —Procedure to seek recognition of a judgment
- § 79:8 —Burden of proof
- § 79:9 —Effect of recognition or non-recognition of judgment
- § 79:10 —Appeal
- § 79:11 Substantive requirements
- § 79:12 —Grounds for mandatory non-recognition
- § 79:13 —Grounds for discretionary non-recognition
- § 79:14 Prevailing party fees

CHAPTER 80. VIETNAM

- § 80:1 Legislation
- § 80:2 Principles of recognition and enforcement of foreign judgments—Treaties
- § 80:3 —Recognition by regulation
- § 80:4 Procedures for recognition of foreign judgments
- § 80:5 Enforcement of a foreign judgment
- § 80:6 Court fees, lawyers' costs, and interest
- § 80:7 Conclusion

CHAPTER 81. EUROPEAN UNION

- § 81:1 Introduction
- § 81:2 —Concepts on which Brussels Convention is based

INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

- § 81:3 —Interpretation
 - § 81:4 —Scope of the Brussels Convention: “civil and commercial matters”
 - § 81:5 —Matters excluded from application of the Brussels Convention
 - § 81:6 —Judgments which may be recognized or enforced
 - § 81:7 —Role of the European Court of Justice
 - § 81:8 —“Judgments” to which the Brussels Convention applies
 - § 81:9 Recognition of judgments—Judgments which may be recognized
 - § 81:10 —Recognition of a judgment
 - § 81:11 —Exceptions to obligatory recognition of judgments
 - § 81:12 — —Public policy
 - § 81:13 — —Default judgments: due service in sufficient time
 - § 81:14 — —Irreconcilable judgments where both are given in contracting states
 - § 81:15 — —Determination of preliminary question contrary to conflicts rules of state addressed
 - § 81:16 — —Irreconcilable judgments where one judgment is given in a non-contracting state
 - § 81:17 — —Further exceptions to recognition in Article 28
 - § 81:18 —Documents which must accompany an application for recognition
 - § 81:19 Enforcement of judgments
 - § 81:20 —Conditions for enforcement
 - § 81:21 —Courts and procedure for application
 - § 81:22 —Application for enforcement
 - § 81:23 —The initial application
 - § 81:24 —Appeal against an order for enforcement
 - § 81:25 —Provision of security
 - § 81:26 —Protective measures
 - § 81:27 —Appeals against a refusal to order enforcement
 - § 81:28 —Partial enforcement of a judgment
 - § 81:29 —Judgments ordering periodic payments
 - § 81:30 —Legal aid
 - § 81:31 San Sebastian Convention
 - § 81:32 Lugano Convention
- Appendix 81-I. Brussels-San Sebastian Convention, Consolidated Text
- Appendix 81-II. Lugano Convention