

N° 3831.

**ESTONIE, LETTONIE
ET LITHUANIE**

Convention concernant la reconnaissance et l'exécution réciproques des jugements en matière civile.
Signée à Kaunas, le 14 novembre 1935.

**ESTONIA, LATVIA
AND LITHUANIA**

Convention concerning the Reciprocal Recognition and Enforcement of Judgments in Civil Matters.
Signed at Kaunas, November 14th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 3831. — CONVENTION² BETWEEN ESTONIA, LATVIA AND LITHUANIA CONCERNING THE RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL MATTERS. SIGNED AT KAUNAS, NOVEMBER 14TH, 1935.

French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Convention took place February 14th, 1936.

THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF ESTONIA, and
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

Being desirous of regulating in the future the reciprocal recognition and enforcement of judgments in civil matters in the territories of the contracting countries, on the common principles on which civil legislation is based in those countries, and thus of completing the Convention³ concerning the settlement of certain questions of private international law, concluded by the said countries on July 12th, 1921, have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

His Excellency Monsieur Ludvigs SĒJA, Envoy Extraordinary and Minister Plenipotentiary of Latvia at Kaunas ;

His Excellency Monsieur Johan LEPIK, Envoy Extraordinary and Minister Plenipotentiary of Estonia at Kaunas ;

His Excellency Monsieur Stasys LOZORAİTIS, Minister for Foreign Affairs of Lithuania ;

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions :

Article 1.

Judgments in civil matters given after the coming into force of the present Convention by the judicial authorities of one of the contracting countries and within their competence shall be enforced on the territory of the other contracting countries in accordance with the following regulations.

Article 2.

The persons concerned in the enforcement of a judgment given by a judicial authority of one of the contracting countries shall make an application for it to be made executory to the competent local court of the country in which the judgment is to be enforced. If the judgment is to be enforced

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Ratifications deposited at Riga, December 10th, 1935. Came into force January 10th, 1936.

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at more than one place, the application need be made only to one local court, at the choice of the applicant. No judicial fees may be charged for such applications.

Article 3.

The following documents must be attached to the application :

(1) A copy of the judgment, stating the grounds thereof, drawn up in final form and legalised by the court which gave the judgment, together with a document delivered by that court certifying that the judgment has become final, and that it is not subject to appeal or to proceedings in cassation, and that it has become executory.

(2) A certificate from the court which gave the judgment, attesting that a summons has been served in accordance with the laws of the country in which the judgment was passed on the party against which the judgment was passed, indicating whether such party intervened in any manner in the proceedings.

(3) A translation of the judgment and of the certificate (paragraphs 1 and 2) in the language of the country in which the judgment is to be enforced ; such translation shall be certified correct by a sworn translator or, failing such, by a consular representative of the country in which the judgment is to be enforced or of that in which the judgment was passed.

(4) A number of copies of the said documents corresponding to the number of defendants.

Article 4.

Summonses to the parties to appear before the court which has to give the executory judgment shall be served in accordance with the laws of the country in which the judgment is to be enforced.

Article 5.

The judicial authorities shall not proceed to a fresh examination of the substance of the disputed points of law which have been decided by the judicial authorities of one of the other two contracting countries, but shall only decide whether the judgment contains provisions which, under Article 6 of the present Convention, prevent its enforcement in the country in which enforcement is applied for.

Article 6.

Judgments of the judicial authorities of the contracting countries shall not be made executory in the countries in which they are to be enforced :

(1) In the case of an action relating to a right of ownership or right *in rem*, in respect of buildings situated in the State in which the judgment is to be enforced.

(2) If the party against which the judgment is to be enforced is a State institution or undertaking or a communal or municipal administration, even if it belongs to the country in which the judgment has been passed.

(3) If the object of the judgment is a right which is outside the competence of the courts of the country in which the judgment is to be enforced.

(4) If the judgment has not been enforced within a period of ten years from the date on which it was passed.

(5) If the judgment involves measures incompatible with public order or forbidden by the laws of the State in which it is to be enforced.

(6) If the judgment conflicts with any other judgment passed on the same subject by a court of the country in which enforcement of the judgment is applied for.

Article 7.

Arbitral awards at civil law given under the laws on civil procedure and made executory by the competent court of the country in which the arbitral award has been given shall be enforced in the same manner as judgments.

Article 8.

Judgments and arbitral awards given on the above-mentioned basis shall be enforced in accordance with the general legal provisions concerning the enforcement of the above-mentioned decisions in force in the country in which such decisions are to be made executory.

Article 9.

On application from one of the parties to the case, the judicial authorities of the contracting countries shall close or suspend examination of actions at law made by the same parties in the same case and on the same grounds, if such applications have already been made to the judicial authorities of one of the other contracting countries. If in respect of such applications a judgment of a court of justice or an award of a tribunal have become final in one of the contracting countries, the proceedings may not be continued.

Article 10.

The provisions of the present Convention shall not apply to authors' rights, inventors' patents or rights in respect of trade marks, models or trade names.

Article 11.

The present Convention shall be ratified as soon as possible. The instruments of ratification shall be deposited at the Latvian Ministry of Foreign Affairs.

This Convention shall come into force one month after the deposit of the instruments of ratification by all the contracting countries. It shall remain in force for ten years. If on the expiry of that period the Convention has not been denounced, twelve months' notice having been given, it shall remain in force indefinitely and may be denounced at any time provided that twelve months' notice is given.

Done this 14th day of November, 1935, in triplicate, each of the High Contracting Parties receiving a copy.

(L. S.) L. SĒJA.

(L. S.) J. LEPIK.

(L. S.) LOZORAITIS.