

No. 5235

---

**YUGOSLAVIA  
and  
GREECE**

**Agreement concerning the reciprocal recognition and the enforcement of judicial decisions. Signed at Athens, on 18 June 1959**

*Official text: French.*

*Registered by Yugoslavia on 12 July 1960.*

---

**YOUGOSLAVIE  
et  
GRÈCE**

**Accord pour la reconnaissance réciproque et l'exécution des décisions judiciaires. Signé à Athènes, le 18 juin 1959**

*Texte officiel français.*

*Enregistré par la Yougoslavie le 12 juillet 1960.*

## [TRANSLATION — TRADUCTION]

No. 5235. AGREEMENT<sup>1</sup> BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE KINGDOM OF GREECE CONCERNING THE RECIPROCAL RECOGNITION AND THE ENFORCEMENT OF JUDICIAL DECISIONS. SIGNED AT ATHENS, ON 18 JUNE 1959

---

The Government of the Federal People's Republic of Yugoslavia and the Royal Government of Greece, with a view to the reciprocal recognition and the enforcement of judicial decisions, have agreed as follows :

*Article 1*

1. Each Contracting State undertakes to recognize and to enforce in its territory the following decisions rendered in the territory of the other Contracting State :

- (a) Final and enforceable judicial decisions of ordinary courts or economic (commercial) courts in civil or commercial matters, and settlements concluded in such courts in civil or commercial matters, with the exception of decisions relating to bankruptcy or composition in bankruptcy;
- (b) Final and enforceable decisions of criminal courts in matters relating to third-party civil claims;
- (c) Final and enforceable awards of arbitral tribunals in commercial matters, and settlements concluded in such tribunals in commercial matters.

2. So far as concerns the Federal People's Republic of Yugoslavia, the courts referred to in paragraph 1 (a) above shall be understood to mean the economic (commercial) courts.

3. The question whether a dispute is to be regarded as a commercial dispute within the meaning of paragraph 1 (c) above shall be decided by application of the law of the Contracting State in which the arbitral award is to be enforced.

*Article 2*

The decisions referred to in paragraph 1 (a) and (b) of the foregoing article shall be recognized and enforced if the following conditions are satisfied :

---

<sup>1</sup> Came into force on 31 March 1960, thirty days after the exchange of the instruments of ratification which took place at Belgrade, in accordance with article 13.

- (a) The court of the State in which the decision was rendered was competent under the law of the State in which recognition or execution is to take place to proceed in the matter;
- (b) The decision is final and enforceable under the law of the Contracting State in which it was rendered;
- (c) Recognition or enforcement is not incompatible with public policy in the State in which it is to take place;
- (d) In the case of judgement by default, the defaulting party against whom the decision was rendered was duly and in good time served notice of the proceedings, in accordance with the laws of the State in which the decision was rendered;
- (e) No final judicial decision or arbitral award has previously been rendered in respect of the same dispute between the same parties in the territory of the State in which enforcement is to take place.

### Article 3

The decisions referred to in article 1, paragraph 1 (c), of this Agreement (arbitral awards) shall be recognized and enforced if in addition to the conditions stated in the foregoing article the following conditions are satisfied :

- (a) The arbitral award was rendered by virtue of a written arbitration agreement (*compromis d'arbitrage*) concluded for the dispute in question or for possible future disputes;
- (b) The award was rendered by the arbitral tribunal provided for in the said arbitration agreement;
- (c) The arbitration agreement concluded for the dispute in question or for possible future disputes is valid under the law of the State in which enforcement is to take place. The term " law " shall be understood to include also the provisions of private international law.

### Article 4

Even if the conditions specified in articles 2 and 3 are satisfied, an arbitral award shall not be enforced :

- (a) If the party against whom the award is to be enforced was unable to take part in the proceedings owing to procedural irregularities;
- (b) If the arbitral tribunal exceeded its powers as defined in the arbitration agreement.

### Article 5

1. Save as otherwise provided in this Agreement, the granting of exequatur and the process of enforcement itself shall be subject to the provisions in force in the State in whose territory enforcement is to take place.

2. The judicial authorities responsible for granting exequatur shall limit themselves to determining whether the conditions specified in articles 2, 3 and 4, as appropriate, are satisfied. If these conditions are satisfied, the enforcement of the award shall be ordered.

#### *Article 6*

1. Applications for enforcement shall be made either direct to the competent court or tribunal, by any interested party, or through the diplomatic channel.
2. The application for enforcement shall be accompanied, as appropriate, by :
  - A certified copy of the judicial decision or settlement, attested as being final and enforceable;
  - Where the party against whom the decision was rendered did not take part in the proceedings, a certificate attesting that such party was duly and in good time served notice of the proceedings in accordance with the law of the State in which the decision was rendered;
  - Evidence that enforcement is requested by virtue of the arbitral award;
  - Evidence that the matter was submitted to the jurisdiction of an arbitral tribunal;
  - An official translation into the language of the State in which enforcement is to take place or into French, or a translation into one of the said languages certified by a sworn translator, of the decision or settlement and of all other documents required under the foregoing provisions.

#### *Article 7*

The provisions of articles 1 to 6 shall apply to decisions and settlements becoming enforceable after the date of entry into force of this Agreement.

#### *Article 8*

1. Each Contracting State shall recognize in its territory judicial decisions affecting the personal status of its nationals rendered in the territory of the other Contracting State, subject to the conditions specified in article 2 (a), (b), (d) and (e) of this Agreement and provided that such decisions are not contrary to the provisions (including the provisions of private international law) applicable to the regulation of these relations in its own territory.
2. Judicial decisions of either Contracting State affecting the personal status of nationals of a third country shall not be recognized in the territory of the other Contracting State unless they are recognized in the territory of the State of which the person in question is a national.

*Article 9*

1. The recognition of decisions in matters relating to personal status may be requested by any person having a legal interest therein.
2. Decisions recognized in accordance with the foregoing article shall have the same legal effect as decisions of national courts.
3. With respect to the recognition of decisions in matters relating to personal status, the provisions of article 5 (1) and article 6 of this Agreement shall be applied.

*Article 10*

1. Final judicial decisions of either Contracting State in matters relating to the personal status of its own nationals shall be recognized in the territory of the other Contracting State without being re-examined in the light of the provisions of articles 8 and 9 of this Agreement.
2. In pursuance of the decisions referred to in the foregoing paragraph, changes in personal status shall be entered in the relevant civil registers, with the prior agreement of the Federal State Secretariat of the Interior, in Yugoslavia, or of the Ministry of Justice or of the Interior, in Greece, as the case may be.
3. Entries in the register as provided in the foregoing paragraph shall be made on the application of the interested party or of the relevant authority of the Contracting State in which the decision was rendered.
4. If the authority responsible for authorizing entries in the civil register, as provided in paragraph 2 of this article, considers that the decision in question relates to the personal status of one of its own nationals, it shall refer the matter to the competent court, which shall apply the provisions of articles 8 and 9 of this Agreement.

*Article 11*

The above provisions relating to the enforcement of awards shall not affect the provisions in force in the Contracting State in which enforcement took place with respect to the transfer of such funds or the export of such property as may result from enforcement.

*Article 12*

1. Disputes relating to the interpretation or application of the provisions of this Agreement shall be settled between the Contracting States through the diplomatic channel.
2. If agreement between the two Parties is not reached through the diplomatic channel within three months, the matter shall be referred, at the request of either

Party, to an *ad hoc* arbitral tribunal. Such tribunal shall be composed of one member appointed by each Contracting Party and a third arbitrator, who shall be a national of a third State, selected by the two national arbitrators. If the national arbitrators fail to agree within a period of two months following their appointment, which shall take place within one month of the above-mentioned request by the interested Party, the third arbitrator shall be designated by the President of the International Court of Justice.

*Article 13*

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Belgrade.
2. This Agreement shall enter into force thirty days after the exchange of the instruments of ratification.
3. This Agreement is concluded for an indeterminate period. It shall cease to have effect after the expiry of three months from the date of its denunciation, effected through the diplomatic channel, by either Contracting State.

DONE and signed at Athens, on 18 June 1959, in two originals in the French language.

For the Government  
of the Federal People's Republic  
of Yugoslavia :

(Signed) Koča POPOVIĆ

For the Royal Government  
of Greece :

(Signed) TOSSIZZA AVEROF