

No. 11769

**FRANCE
and
YUGOSLAVIA**

**Convention concerning the recognition and enforcement of
judicial decisions in civil and commercial matters. Signed
at Paris on 18 May 1971**

Authentic texts: French and Serbo-Croatian.

Registered by France on 19 April 1972.

**FRANCE
et
YUGOSLAVIE**

**Convention relative à la reconnaissance et à l'exécution des
décisions judiciaires en matière civile et commerciale.
Signée à Paris le 18 mai 1971**

Textes authentiques: français et serbo-croate.

Enregistrée par la France le 19 avril 1972.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE
FRENCH REPUBLIC AND THE GOVERNMENT OF THE
SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA
CONCERNING THE RECOGNITION AND ENFORCE-
MENT OF JUDICIAL DECISIONS IN CIVIL AND COM-
MERCIAL MATTERS

The Government of the French Republic and the Government of the Socialist Federal Republic of Yugoslavia, desiring, in relations between the two States, to ensure the recognition and enforcement of judicial decisions in civil and commercial matters, have agreed on the following provisions:

Article 1

1. This Convention shall apply to decisions rendered by the courts of the Contracting Parties in civil matters, including personal and family law, and in commercial matters.

2. It shall also apply to decisions rendered by criminal courts in so far as such decisions relate to the matters referred to in the preceding paragraph.

3. It shall not be applicable in matters involving:

- (a) Bankruptcy, composition or other similar proceedings;
- (b) Social security;
- (c) Nuclear damage.

Article 2

For the purposes of this Convention:

(a) The term “decision” refers to decisions rendered in adversary or non-adversary proceedings, irrespective of the name given to them or the court by which they are rendered, and to settlements arrived at in court;

(b) The term “court of origin” means the court which rendered the decision whose recognition or enforcement is sought;

(c) The term “State of origin” means the State in whose territory the court of origin has its seat;

¹ Came into force on 1 February 1972, i.e. the first day of the second month following the date (21 December 1971) of the second of the notifications by which each Contracting Party notified the other of the completion of the procedures required under its Constitution, in accordance with article 14.

(d) The term “court applied to” means the court applied to for recognition or enforcement of the decision;

(e) The term “State applied to” means the State in whose territory recognition or enforcement is sought.

Article 3

Decisions rendered by a court of one Contracting Party shall be recognized or declared enforceable in the territory of the other:

(a) If the court of origin had jurisdiction under the law of the State applied to or by virtue of a convention in force between the Contracting Parties;

(b) If the decision is no longer subject to ordinary appeal in the State of origin and is enforceable there.

Article 4

Recognition or enforcement shall be refused if:

(a) The conditions specified in the preceding article have not been fulfilled;

(b) The decision is contrary to the public policy of the State applied to;

(c) In cases of default, the writ instituting proceedings was not served or delivered to the defaulting party in due form and in good time so as to enable the said party to defend himself;

(d) Either party appeared in court without being represented by counsel where such representation was necessary;

(e) An action between the same parties, relating to the same circumstances and having the same purpose:

1. Is pending before a court of the State applied to and was instituted prior to the proceedings in connexion with which recognition is sought;
2. Has been the subject of a decision rendered in the State applied to;
3. Has been the subject of a decision which was rendered in another State and which meets the conditions necessary for its recognition in the State applied to;

(f) The court applied to is bound to recognize the jurisdiction of arbitrators.

Article 5

Each Contracting Party reserves the right to refuse recognition or enforcement of a decision rendered by a court of the other Party which relates

to the status or capacity of a national of a third State in whose territory the said decision could not be recognized.

Article 6

Recognition or enforcement shall not be refused on the sole ground that the court of origin has applied a law other than that which would have been applicable under the rules of private international law of the State applied to, except with regard to personal status or capacity or where the rule governing conflicts of law is laid down in a convention in force between the Contracting Parties. Even in such cases, recognition or enforcement shall not be refused if application of the law specified in the said rules would have led to the same result.

Article 7

Except in so far as may be necessary for the application of the preceding articles, the court applied to shall not undertake any review of the substance of the decision rendered in the State of origin.

Article 8

In determining the competence of the court of origin, the authority applied to shall be bound by the findings of fact on which that court based its jurisdiction, except in the case of a decision by default.

Article 9

1. The procedure for obtaining recognition or enforcement of the decision shall be governed by the law of the State applied to, save as otherwise provided by this Convention.

2. If the decision relates to a number of claims which can be dissociated, recognition or enforcement may be requested or granted on a partial basis.

Article 10

1. The party seeking recognition or enforcement shall submit:

- (a) A complete copy of the decision, duly certified;
- (b) A document showing that the decision was served or delivered to the other party;
- (c) In cases of default, a certified copy of the summons served on the defaulting party and documentary evidence that the summons reached him in good time;

(d) Documentary evidence that the decision is no longer subject to ordinary appeal and is enforceable in the territory of the State of origin.

2. If the content of the decision is such that the court applied to cannot verify that the conditions laid down by this Convention have been fulfilled, the said court may require any other documents necessary to be submitted.

3. The documents referred to in the preceding paragraphs shall be accompanied by a translation certified by a diplomatic or consular official, a sworn translator or any other person duly authorized for the purpose in either of the two States. They shall not require authentication.

Article 11

A party receiving free legal aid in the State of origin shall be entitled to such aid without further examination, to the extent provided by the law of the State applied to, in respect of documents submitted and proceedings instituted with a view to securing recognition of the decision or causing it to be declared enforceable and in respect of documents submitted and proceedings instituted with a view to the implementation of the authorization of enforcement.

Article 12

This Convention shall be without prejudice to any conventions governing the recognition and enforcement of decisions in specific matters to which the two States are or hereafter become parties.

Article 13

This Convention shall apply to the entire territory of each of the two States.

Article 14

Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Convention. The latter shall enter into force on the first day of the second month following the date of the second such notification.

Article 15

1. This Convention is concluded for an indefinite period of time.
2. Either Contracting Party may denounce it at any time, such denunciation taking effect six months after the date on which notification thereof is received by the other Contracting Party.

DONE at Paris on 18 May 1971, in duplicate in the French and Serbo-Croatian languages, both texts being equally authentic.

For the Government
of the French Republic:

[*Signed*]

GILBERT DE CHAMBRUN

[SEAL]

For the Government
of the Socialist Federal
Republic of Yugoslavia:

[*Signed*]

IVO VEJVODA

[SEAL]