

No. 15143

**BELGIUM
and
YUGOSLAVIA**

**Convention concerning the recognition and enforcement of
judicial decisions relating to maintenance obligations.
Signed at Belgrade on 12 December 1973**

*Authentic texts: French and Serbo-Croatian.
Registered by Belgium on 30 November 1976.*

**BELGIQUE
et
YUGOSLAVIE**

**Convention sur la reconnaissance et l'exécution des déci-
sions judiciaires en matière d'obligations alimentaires.
Signée à Belgrade le 12 décembre 1973**

*Textes authentiques : français et serbo-croate.
Enregistrée par la Belgique le 30 novembre 1976.*

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE
SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA CONCERN-
ING THE RECOGNITION AND ENFORCEMENT OF JUDICIAL
DECISIONS RELATING TO MAINTENANCE OBLIGATIONS

The Government of the Kingdom of Belgium and the Government of the Socialist Republic of Yugoslavia,

Desiring to ensure, in relations between the two States, the recognition and enforcement of judicial decisions relating to maintenance obligations,

Have agreed as follows:

Article 1. 1. This Convention shall apply to:

- (a) judicial decisions relating to legal maintenance obligations;
- (b) judicial decisions allowing divorce insofar as they contain rulings on maintenance;
- (c) maintenance settlements received by a court during the course of a suit or by the competent tutelary organ; and
- (d) authentic acts registering agreements relating to maintenance.

2. This Convention shall not apply to judicial decisions that determine the amount of the maintenance temporarily until the end of the suit.

Article 2. 1. Judicial decisions rendered in the territory of one Contracting State shall be recognized and declared enforceable in the territory of the other Contracting State, without review of the merits, provided that they meet the following conditions:

- (a) that the court was competent under article 5 of this Convention;
- (b) that the decision can no longer be the subject of an ordinary appeal.

2. To be declared enforceable, the decision must also be enforceable in the territory of the State where it has been rendered.

Article 3. A decision by default shall be recognized and declared enforceable only if the defaulting party was duly notified of the instrument instituting proceedings and if that party had enough time to present his defence.

Article 4. Recognition or enforcement of the judicial decision shall be refused in any of the following cases:

- 1. If it is clearly incompatible with the public policy of the State applied to;
- 2. If an action between the same parties, based on the same facts and having the same aim:
 - (a) is pending before a court of the State applied to and if that court was seized of the matter first; or
 - (b) has given rise to a decision rendered in the State applied to; or

¹ Came into force on 8 March 1976, i.e. the sixtieth day that followed the date of the exchange of the instruments of ratification which took place at Brussels on 8 January 1976, in accordance with article 16.

- (c) has resulted in a decision rendered in another State recognizable and enforceable in the State applied to;
3. The decision has been rendered against a person whose domicile and residence are not known and who, for that reason, was represented in the proceedings only by a curator.

Article 5. The court of the State where the decision was rendered shall be considered competent, for the purposes of this Convention, provided that it meets one of the following conditions:

- (a) if, on the date of the institution of proceedings, the defendant was domiciled or habitually resident in the territory of that State;
- (b) if the plaintiff and the defendant had their last joint domicile or their last joint habitual residence in the territory of that State and if the plaintiff continued to be domiciled or habitually resident there until the time proceedings were instituted;
- (c) if the plaintiff and the defendant are nationals of that State;
- (d) if the defendant has submitted to the jurisdiction of the court which rendered the decision, either explicitly or by entering a defence on the merits without expressing reservations as to the jurisdiction.

Article 6. 1. The procedure for obtaining recognition or enforcement of the judicial decision shall be governed by the law of the State applied to, unless otherwise provided for in this Convention.

2. The application for the grant of execution shall be drafted in the language provided for under the legislation of the State applied to.

Article 7. 1. The Party seeking to obtain recognition or enforcement of a judicial decision shall produce:

- (a) a duly authenticated copy of the decision;
- (b) any documentary evidence that the decision meets the conditions laid down in article 2, paragraph 1 (b) and, where necessary, in article 2, paragraph 2;
- (c) in the case of a decision by default, any documentary evidence that the defaulting Party was duly notified of the instrument instituting proceedings;
- (d) a translation of the above-mentioned documents into one of the languages of the State applied to, certified by a sworn translator.

2. The documents to be produced shall be exempt from legalization.

Article 8. 1. Execution shall be granted for maintenance payments already due and for future payments.

2. Judicial decisions changing the amount of the maintenance shall be recognized and enforced in accordance with the provisions of this Convention.

Article 9. Settlements received by the court or the tutelary organ and the authentic acts referred to in article 1 which are enforceable in one of the Contracting States shall be declared enforceable in the other State under the same conditions as the judicial decisions to which this Convention refers, insofar as these conditions are applicable to them.

Article 10. 1. The Party granted legal aid in the State whose court has rendered the decision shall benefit from such aid in the proceedings to secure execu-

tion. Documentary evidence of the granting of free legal aid shall be attached to the application for grant of execution.

2. No security or deposit, under any guise whatsoever, to guarantee payment of the costs and expenses of the proceedings may be imposed, on grounds of nationality, on the party submitting the application for grant of execution.

Article 11. The Contracting States shall undertake to facilitate the transfer of the sums awarded in respect of maintenance obligations and of the expenses arising from the execution proceedings.

Article 12. This Convention shall apply irrespective of the nationality of the parties.

Article 13. For purposes of the application of this Convention, the languages of the Contracting States shall be:

For Belgium: French and Dutch;

For Yugoslavia: Serbo-Croatian, Croato-Serbian, Macedonian and Slovene.

Article 14. This Convention shall also apply to judicial decisions rendered in the first instance in the two years preceding the date of its entry into force and to settlements and authentic acts received within that period.

Article 15. 1. The Convention shall be ratified.

2. Instruments of ratification shall be exchanged as soon as possible in Brussels.

Article 16. This Convention shall enter into force on the sixtieth day following the exchange of instruments of ratification.

Article 17. This Convention shall be concluded for an indefinite period and shall remain in force for one year from the date on which either Contracting State denounces it in writing.

DONE at Belgrade, on 12 December 1973, in duplicate, in the French and Serbo-Croatian languages, both texts being equally authentic.

For the Government
of the Kingdom of Belgium:

[Signed]
CH. MULLER

For the Government
of the Socialist Federal Republic
of Yugoslavia:

[Signed]
R. MOCIVNIK
