

No. 26750

**BELGIUM, DENMARK,
GERMANY, FEDERAL REPUBLIC OF, GREECE,
FRANCE, IRELAND, ITALY, LUXEMBOURG,
NETHERLANDS AND UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND**

Convention on the accession of the Hellenic Republic to the Convention on jurisdiction and enforcement of judgments in civil and commercial matters and to the Protocol on its interpretation by the Court of Justice, with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland (with Greek text of the 1968 Convention, the 1971 Protocol and the 1978 Convention). Concluded at Luxembourg on 25 October 1982

Authentic texts: Danish, German, Greek, English, French, Irish, Italian and Dutch.

Registered by the Secretary-General of the Council of the European Communities, acting on behalf of the Parties, on 1 August 1989.

CONVENTION¹ ON THE ACCESSION OF THE HELLENIC REPUBLIC TO THE CONVENTION ON JURISDICTION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS² AND TO THE PROTOCOL ON ITS INTERPRETATION BY THE COURT OF JUSTICE³ WITH THE ADJUSTMENTS MADE TO THEM BY THE CONVENTION ON THE ACCESSION OF THE KINGDOM OF DENMARK, OF IRELAND AND OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND⁴

PREAMBLE

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY,⁵

CONSIDERING that the Hellenic Republic, in becoming a member of the Community, undertook to accede to the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial

¹ Came into force on 1 April 1989, i.e., the first day of the third month following the deposit with the Secretary-General of the Council of the European Communities of the last instrument of ratification by the Hellenic Republic and those States which had put into force the 1978 Convention, in accordance with article 15:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Belgium.....	21 August 1986
Denmark..... (With a declaration of non-applicability to Greenland.)	27 August 1986
France.....	27 February 1984
Germany, Federal Republic of..... (With a declaration of application to <i>Land Berlin</i> .)	8 August 1988
Greece.....	19 January 1989
Ireland.....	31 March 1988
Italy.....	8 January 1985
Luxembourg.....	27 April 1984
Netherlands.....	19 July 1983

Subsequently, the Convention came into force in respect of each of the following Member States on the first day of the third month following the deposit of its instrument of ratification with the Secretary-General of the Council of the European Communities, in accordance with article 15:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
United Kingdom of Great Britain and Northern Ireland..... (With effect from 1 October 1989.)	31 July 1989

² United Nations, *Treaty Series*, vol. 1262, p. 153.

³ *Ibid.*, p. 241.

⁴ See p. 20.

⁵ United Nations, *Treaty Series*, vol. 298, p. 3 (English translation); vol. 294, p. 3 (authentic French text); vol. 295, p. 2 (authentic German text); vol. 296, p. 2 (authentic Italian text); vol. 297, p. 2 (authentic Dutch text); see also vol. 1376, p. 2 (authentic Danish text); vol. 1377, p. 2 (authentic English text); vol. 1378, p. 2 (authentic Irish text); vol. 1383, p. 2 (authentic Greek text); vol. 1452, p. 2 (authentic Portuguese text); vol. 1453, p. 2 (authentic Spanish text).

Matters¹ and to the Protocol on its interpretation by the Court of Justice,² with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland,³ and to this end undertook to enter into negotiations with the Member States of the Community in order to make the necessary adjustments thereto,

HAVE DECIDED to conclude this Convention, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Jean GOL,
Deputy Prime Minister,
Minister for Justice and for Institutional Reform;

HER MAJESTY THE QUEEN OF DENMARK:

Erik NINN-HANSEN,
Minister for Justice;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Hans Arnold ENGELHARD,
Federal Minister for Justice;

Dr Günther KNACKSTEDT,
Ambassador of the Federal Republic
of Germany in Luxembourg;

THE PRESIDENT OF THE HELLENIC REPUBLIC:

Georges-Alexandre MANGAKIS,
Minister for Justice;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Robert BADINTER,
Keeper of the Seals,
Minister for Justice;

¹ United Nations, *Treaty Series*, vol. 1262, p. 153.

² *Ibid.*, p. 241.

³ See p. 20.

THE PRESIDENT OF IRELAND:

Seán DOHERTY,
Minister for Justice;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Clelio DARIDA,
Minister for Justice;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Colette FLESCH,
Vice-President of the Government,
Minister for Justice;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

J. de RUITER,
Minister for Justice;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND:

Peter Lovat FRASER, Esquire,
Solicitor-General for Scotland,
Lord Advocate's department;

WHO, meeting within the Council, having exchanged their full
powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

ARTICLE 1

1. The Hellenic Republic hereby accedes to the Convention on
Jurisdiction and Enforcement of Judgments in Civil and

Commercial Matters, signed at Brussels on 27 September 1968 (hereinafter called "the 1968 Convention") and to the Protocol on its interpretation by the Court of Justice, signed at Luxembourg on 3 June 1971 (hereinafter called "the 1971 Protocol"), with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland to the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters and to the Protocol on its interpretation by the Court of Justice, signed at Luxembourg on 9 October 1978 (hereinafter called "the 1978 Convention").

2. The accession of the Hellenic Republic extends in particular to Articles 25(2), 35 and 36 of the 1978 Convention.

ARTICLE 2

The adjustments made by this Convention to the 1968 Convention and the 1971 Protocol, as adjusted by the 1978 Convention, are set out in Titles II to IV.

TITLE II

ADJUSTMENTS TO THE 1968 CONVENTION

ARTICLE 3

The following shall be inserted between the third and fourth indents in the second subparagraph of Article 3 of the 1968 Convention, as amended by Article 4 of the 1978 Convention:

"- in Greece, Article 40 of the code of civil procedure (Κώδικας Πολιτικής Δικονομίας),".

ARTICLE 4

The following shall be inserted between the third and fourth indents in the first subparagraph of Article 32 of the 1968 Convention, as amended by Article 16 of the 1978 Convention:

"- in Greece, to the μονομελές πρωτοδικείο,".

ARTICLE 5

1. The following shall be inserted between the third and fourth indents of the first subparagraph of Article 37 of the 1968 Convention, as amended by Article 17 of the 1978 Convention:

"- in Greece, with the έφετείο,".

2. The following shall be substituted for the first indent of the second subparagraph of Article 37 of the 1968 Convention, as amended by Article 17 of the 1978 Convention:

"- in Belgium, Greece, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,".

ARTICLE 6

The following shall be inserted between the third and fourth indents of the first subparagraph of Article 40 of the 1968 Convention, as amended by Article 19 of the 1978 Convention:

"- in Greece, to the έφετείο,".

ARTICLE 7

The following shall be substituted for the first indent of Article 41 of the 1968 Convention, as amended by Article 20 of the 1978 Convention:

"- in Belgium, Greece, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,".

ARTICLE 8

The following shall be inserted at the appropriate place in chronological order in the list of Conventions set out in Article 55 of the 1968 Convention, as amended by Article 24 of the 1978 Convention:

"- the Convention between the Kingdom of Greece and the Federal Republic of Germany for the reciprocal recognition and enforcement of judgments, settlements and authentic instruments in civil and commercial matters, signed in Athens on 4 November 1961,"¹

TITLE III

ADJUSTMENT TO THE PROTOCOL ANNEXED
TO THE 1968 CONVENTION

ARTICLE 9

In the first sentence of the Article Vb added to the Protocol annexed to the 1968 Convention by Article 29 of the 1978 Convention there shall be added after the word "Denmark" a comma and the words "in Greece".

¹ United Nations, *Treaty Series*, vol. 1563, No. I-27183.

TITLE IV

ADJUSTMENTS TO THE 1971 PROTOCOL

ARTICLE 10

The following subparagraph shall be added to Article 1 of the 1971 Protocol, as amended by Article 30 of the 1978 Convention:

"The Court of Justice of the European Communities shall also have jurisdiction to give rulings on the interpretation of the Convention on the accession of the Hellenic Republic to the Convention of 27 September 1968 and to this Protocol, as adjusted by the 1978 Convention."

ARTICLE 11

The following shall be inserted between the third and fourth indents of point 1 of Article 2 of the 1971 Protocol, as amended by Article 31 of the 1978 Convention.

"- in Greece: the *άνώτατα δικαστήρια*,".

TITLE V

TRANSITIONAL PROVISIONS

ARTICLE 12

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention and this Convention, shall apply only to legal proceedings instituted and to authentic instruments

formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2. However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II of the 1968 Convention, as amended, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.

TITLE VI

FINAL PROVISIONS

ARTICLE 13

The Secretary-General of the Council of the European Communities shall transmit a certified copy of the 1968 Convention, of the 1971 Protocol and of the 1978 Convention in the Danish, Dutch, English, French, German, Irish and Italian languages to the Government of the Hellenic Republic.

The texts of the 1968 Convention, of the 1971 Protocol and of the 1978 Convention, drawn up in the Greek language, shall be annexed to this Convention. The texts drawn up in the Greek language shall be authentic under the same conditions as the other texts of the 1968 Convention, the 1971 Protocol and the 1978 Convention.

ARTICLE 14

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

ARTICLE 15

This Convention shall enter into force, as between the States which have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the Hellenic Republic and those States which have put into force the 1978 Convention in accordance with Article 39 of that Convention.

It shall enter into force for each Member State which subsequently ratifies it on the first day of the third month following the deposit of its instrument of ratification.

ARTICLE 16

The Secretary-General of the Council of the European Communities shall notify the signatory States of:

- (a) the deposit of each instrument of ratification,
- (b) the dates of entry into force of this Convention for the Contracting States.

ARTICLE 17

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages, all eight texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

[For the testimonium and signatures, see p. 379 of this volume.]

For Hendes Majestæt Danmarks Dronning:
[For Her Majesty the Queen of Denmark:]
[Pour Sa Majesté la Reine de Danemark :]

[ERIK NINN-HANSEN]

Für den Präsidenten der Bundesrepublik Deutschland:
[For the President of the Federal Republic of Germany:]
[Pour le Président de la République fédérale d'Allemagne :]

[HANS ARNOLD ENGELHARD]

[GUNTHER KNACKSTEDT]

Γιά τόν Πρόεδρο τῆς Ἑλληνικῆς Δημοκρατίας:
[For the President of the Hellenic Republic:]
[Pour le Président de la République hellénique :]

[GEORGES-ALEXANDRE MANGAKIS]

Pour le Président de la République française :
[For the President of the French Republic :]

[ROBERT BADINTER]

Thar ceann Uachtarán na hÉireann:
[For the President of Ireland:]
[Pour le Président de l'Irlande :]

[SEÂN DOHERTY]

Per il Presidente della Repubblica italiana:
[For the President of the Italian Republic:]
[Pour le Président de la République italienne :]

[CLELIO DARIDA]

Pour Son Altesse Royale le Grand-Duc de Luxembourg:
[For His Royal Highness the Grand Duke of Luxembourg:]

[COLETTE FLESCH]

Voor Hare Majesteit de Koningin der Nederlanden:
[For Her Majesty the Queen of the Netherlands:]
[Pour Sa Majesté la Reine des Pays-Bas :]

[J. DE RUITER]

For Her Majesty the Queen of the United Kingdom
of Great Britain and Northern Ireland:
[Pour Sa Majesté la Reine du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :]

[PETER LOVAT FRASER]