

**No. 29991**

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**FRANCE  
and  
UNITED ARAB EMIRATES**

**Convention on judicial assistance, recognition and enforcement of judgements in civil and commercial matters (with annex). Signed at Paris on 9 September 1991**

*Authentic texts: French and Arabic.*

*Registered by France on 28 April 1993.*

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**FRANCE  
et  
ÉMIRATS ARABES UNIS**

**Convention relative à l'entraide judiciaire, la reconnaissance et l'exécution des décisions en matière civile et commerciale (avec annexe). Signée à Paris le 9 septembre 1991**

*Textes authentiques : français et arabe.*

*Enregistrée par la France le 28 avril 1993.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON JUDICIAL ASSISTANCE, RECOGNITION AND ENFORCEMENT OF JUDGEMENTS IN CIVIL AND COMMERCIAL MATTERS BETWEEN THE FRENCH REPUBLIC AND THE UNITED ARAB EMIRATES

The Government of the French Republic and the Government of the United Arab Emirates,

Desiring to promote judicial cooperation between the French Republic and the United Arab Emirates in civil and commercial matters, and to contribute thus to the development of their relations on the basis of the principles of national sovereignty and equality of rights and reciprocal advantages, have decided to conclude this Convention:

## CHAPTER I. GENERAL PROVISIONS

*Article 1*

Each State undertakes to provide the other with judicial assistance in civil and commercial matters in accordance with the provisions of this Convention.

The Ministries of Justice of the two States are designated as central authorities competent to fulfil the obligations specified in this Convention.

The central authorities shall communicate directly with each other in the language of the requested State and such communication shall be free of charge.

## CHAPTER II. ACCESS TO JUDICIAL ORGANS

*Article 2*

For the purpose of defending their rights and interests, nationals of each Contracting State shall, in the territory of the other Contracting State, have free access to the courts under the same conditions as nationals of that State and shall have the same rights and obligations in judicial proceedings.

*Article 3*

The provisions of article 2 shall apply to bodies corporate established, authorized or registered in accordance with the laws of either State.

## CHAPTER III. NOTIFICATION OF DOCUMENTS

*Article 4*

Where a judicial or extrajudicial document is addressed to a person residing in the territory of the other State, the competent authority according to the laws of the

<sup>1</sup> Came into force on 1 March 1993, i.e., the first day of the second month following the date of the last of the notifications (of 5 May and 20 January 1993) by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 21.

State of origin shall address the request for notification to the central authority of the requested State.

The request shall be accompanied by the untranslated document, in duplicate, and by the bilingual model form annexed to this Convention, which indicates the basic data concerning the document.

The model form shall be completed in the language of the requesting State.

#### *Article 5*

The central authority of the requested State shall serve the document, or arrange for it to be served, through the channel which it deems most appropriate.

Proof of service, or of attempted service, shall be established by means of a receipt, a certificate or a report. These documents, together with a copy of the document, shall be returned directly to the requesting authority.

The services of the requested State may not give rise to the payment or reimbursement of fees or costs.

#### *Article 6*

The preceding articles shall be without prejudice to:

- The option to send the document directly to the addressee by post;
- The option for any person concerned to arrange for service or notification of a document at his own expense and in accordance with the procedures in force in the State to which it is addressed.

### CHAPTER IV. LETTERS ROGATORY

#### *Article 7*

The judicial authority of one State may, by a letter rogatory, request the judicial authority of the other State to conduct such examination proceedings as it may deem necessary in respect of a case pending before it.

The letter rogatory shall be accompanied by a translation in the language of the requested State; it shall be sent by the central authority of the requesting State to the central authority of the requested State, which shall transmit it to the competent judicial authority.

#### *Article 8*

The judicial authority of the requesting State may request, through the central authority, that the parties concerned and, where applicable, their representatives, should be informed of the date and place of the proceedings requested, so that they may be present.

#### *Article 9*

The judicial authority executing a letter rogatory shall apply the laws of its own country with regard to the procedures to be followed.

Where, however, the requesting authority requests that a special procedure should be followed, such a request shall be complied with, provided that the procedure is not incompatible with the laws of the requested State and that it is not

impossible to apply it, either because of the judicial practices of the requested State or because of practical difficulties.

The letter rogatory shall be executed as soon as possible.

#### *Article 10*

The execution of a letter rogatory may be refused only if execution does not lie within the competence of the judicial authority of the requested State or if the latter deems such execution to be liable to impair its sovereignty or security.

Execution may not be refused on the ground that the law of the requested State claims exclusive judicial competence in the matter concerned or provides no legal channels for dealing with the subject of the request brought before the requested judicial authority.

#### *Article 11*

The documents establishing the execution of the letter rogatory shall be transmitted by the judicial authority of the requested State to the judicial authority of the requesting State through the central authorities.

#### *Article 12*

The execution of a letter rogatory may not give rise to the reimbursement of any fees or costs of any kind.

The requested State shall, however, be entitled to claim reimbursement from the requesting State in respect of compensation paid to experts and of costs arising from the application of a special procedure requested by the requesting State.

### CHAPTER V. RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS AND ARBITRAL AWARDS

#### *Article 13*

(1) Decisions rendered by the courts of one State shall be recognized and may be declared enforceable in the other State on condition that:

(a) The decision is rendered by a court which is competent under the rules governing conflicts of competence accepted in the territory of the requested State or according to the rules contained in article 14 of this Convention;

(b) The law applied to the dispute is that designated by the rules governing conflicts of laws which are applied in the territory of the requested State; however, where the application of either law leads to the same result, the law applied may be different from the law designated by the conflict rules of the requested State;

(c) The decision is no longer subject to an ordinary appeal or to an application for judicial review in the State of origin and is enforceable; however, in matters involving maintenance obligations, the rights to custody of a minor or visiting rights, the decision may simply be enforceable in the territory of the State of origin;

(d) The parties were legally and duly summoned, represented or declared in default;

(e) The decision contains nothing which is contrary to the public policy of the requested State;

(2) Decisions rendered by the courts of one State shall not be recognized and may not be declared enforceable in the other State when a dispute between the same parties, based on the same facts, and concerning the same subject as that in the State of origin:

- Is pending before a court of the requested State which was seized of it first; or
- Has given rise to a decision rendered by a court of the requested State which was seized of it first.

#### *Article 14*

The court of origin shall be deemed to be competent for the purposes of this Convention:

(1) When, at the time of the institution of the proceeding, the defendant was domiciled or customarily resident in the State of origin;

(2) When, at the time of the institution of the proceeding, the defendant had in the State of origin a commercial, industrial or other establishment or branch and had been summoned to appear in that State in an action relating to the operation of that establishment or branch;

(3) When the tort on which the suit for damages is based occurred in the State of origin;

(4) When the action relates to a dispute concerning immovable property situated in the State of origin;

(5) When the defendant expressly submitted himself to the competence of the court of the State of origin by means of a stipulation attributing jurisdictional competence;

(6) When the defendant entered a defence on the merits without disputing the jurisdiction of the court;

(7) When, in commercial matters, with the express or tacit agreement of the plaintiff or the defendant, the contractual obligation which is the subject of the dispute has been or should have been performed in the territory of the State of origin;

(8) When, in matters of inheritance of movable property, the deceased had his last domicile in the territory of the State of origin or was a national of that State;

(9) When, in matters of maintenance obligations, the person liable for or entitled to maintenance had his domicile or customary residence in the State of origin or when the person liable for and the person entitled to maintenance had the nationality of the State of origin at the time when the proceeding was instituted;

(10) When, in matters concerning the custody of a minor or visiting rights, the minor had his customary residence in the State of origin at the time when the proceeding on the merits was instituted.

#### *Article 15*

The procedure for securing the enforcement of the decision shall be governed by the laws of the requested State.

The judicial authority of the requested State shall not consider the merits of the decision.

If the decision pertains to a number of items, partial enforcement may be granted.

#### *Article 16*

The person requesting recognition or enforcement shall produce:

- (1) A complete and authentic copy of the decision which meets the authenticity requirements;
- (2) The original certificate of service of the decision or any equivalent original document in lieu thereof;
- (3) Where applicable, an authentic copy of the summons served on the defaulting party and any documents constituting proof that the summons was served in due time;
- (4) Any documents constituting proof that the decision is enforceable in the territory of the State of origin and, with the exception of decisions relating to maintenance obligations, the custody of a minor or visiting rights, is no longer subject to the means of appeal referred to in article 13, 1 (c).

All these documents, accompanied by a translation, shall be authenticated in accordance with the rules of the State in which the decision was rendered.

#### *Article 17*

Without prejudice to the provisions of this chapter, in so far as they are applicable to arbitration, arbitral awards made in the territory of either State shall be recognized and enforced if the following additional conditions are fulfilled:

- (a) The arbitral award has been made on the basis of a written agreement under which the parties undertake to submit to arbitration a dispute which has arisen or which may arise in respect of a defined legal relationship;
- (b) The subject of the dispute is capable of settlement by arbitration according to the law of the State where recognition and enforcement are requested;
- (c) A duly certified copy of the agreement according to the terms of which the parties gave the arbitrators the authority to settle the dispute shall also be produced.

### CHAPTER VI. EXCHANGE OF INFORMATION AND DOCUMENTS

#### *Article 18*

Each State shall transmit free of charge to the other State, at its request and for a specified administrative purpose, records and copies of judicial decisions concerning the civil status of nationals of the requesting State.

Requests and records concerning civil status shall be transmitted through the diplomatic or consular channel; requests concerning and copies of, judicial decisions shall be transmitted through the central authorities.

#### *Article 19*

The central authorities shall transmit to each other, upon request, all information concerning the legislation and jurisprudence in force in their State, and copies of judicial decisions rendered by the courts.

## CHAPTER VII. FINAL PROVISIONS

*Article 20*

Any difficulties arising out of the application of this Convention shall be settled through the diplomatic channel.

*Article 21*

Each Contracting State shall undertake to notify the other of the completion of the procedures required by its Constitution for the entry into force of this Convention, which shall take effect on the first day of the second month following the date of the last such notification.

*Article 22*

This Convention is concluded for an indefinite period. Either Contracting State may denounce it at any time, and the denunciation shall take effect six months after the date on which notice of the denunciation is received by the other State.

DONE at Paris on 9 September 1991, in duplicate, in the French and Arabic languages, both texts being equally authentic.

For the Government  
of the French Republic:

[ROLAND DUMAS]

For the Government  
of the United Arab Emirates :

[RACHED ABDALLAH]

*Basic data concerning the document*

Convention on judicial assistance, recognition and enforcement of judgements in civil and commercial matters between the French Republic and the United Arab Emirates

*Article 4, paragraph 2*

Name and address of the requesting authority:

Identity of the parties\*:

*Judicial document\*\**

Nature and subject of the document:

Nature and subject of the proceeding, and where applicable, the amount of the claim:

Date and place of appearance\*\*:

Court which rendered the decision\*\*:

Date of the decision\*\*:

Time limits stipulated in the document\*\*:

*Extrajudicial document\*\**

Nature and subject of the document:

Time limits stipulated in the document\*\*:

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\* Where necessary, the identity and address of the person concerned with the transmission of this document.

\*\* Delete inapplicable items.