

N° 1998.

**GRÈCE
ET TCHÉCOSLOVAQUIE**

Convention relative à la reconnaissance et à l'exécution des décisions judiciaires. Signée à Athènes, le 7 avril 1927.

**GREECE
AND CZECHOSLOVAKIA**

Convention concerning the Recognition and Enforcement of Judicial Decisions. Signed at Athens, April 7, 1927.

¹ TRADUCTION. — TRANSLATION.

No. 1998. — CONVENTION² BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE GREEK REPUBLIC CONCERNING THE RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS. SIGNED AT ATHENS, APRIL 7, 1927.

French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Convention took place April 24, 1929.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and THE PRESIDENT OF THE GREEK REPUBLIC having thought it expedient to conclude a Convention concerning the recognition and enforcement of judicial decisions, have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Emil SPIRA, Doctor of Laws, Head of Department in the Ministry of Justice, and
M. Karel HALFAR, Doctor of Laws, Head of the International Treaties Department at the Ministry of Foreign Affairs ;

THE PRESIDENT OF THE GREEK REPUBLIC :

M. Georges LAGOUDAKIS, Minister Plenipotentiary, Director-General of the Ministry of Foreign Affairs ;
M. Pericles RHALLIS, Secretary-General of the Ministry of Justice ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

Article I.

The following shall be regarded as judicial decisions within the meaning of the Convention : decisions pronounced in civil and commercial cases, whether of a contentious nature or not, by the ordinary tribunals, special tribunals, arbitral tribunals or the guardianship (curatorship) authorities.

Decisions pronounced in a criminal case, upon the demand of the civil party, and decisions involving a declaration of bankruptcy, or the acceptance of a composition between the parties, shall not be regarded as judicial decisions in civil and commercial cases within the terms of the Convention.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Athens, February 18, 1929.

Article 2.

The authority of judicial decisions within the meaning of Article 1, pronounced in one of the Contracting States shall be recognised in the other State, subject to the following conditions :

(1) That, in the case in question, the rules of international legal competence recognised by the law of the courts in which the decision is sought to be relied upon shall not exclude the jurisdiction of the other State ;

(2) That the recognition of the decision shall not be contrary to the public policies or to the principles of public law of the country in which the decision is sought to be relied upon ;

(3) That, under the law of the State where the decision has been pronounced, such decision shall be deemed to have acquired the force of *res judicata* ;

(4) That, in the case of judgment by default, the defaulting party against whom the decision is sought to be relied upon shall have been duly summoned in accordance with the law of the country where the decision has been pronounced, and that he shall have received the summons in good time.

The examination by the authorities of the State where the decision is sought to be relied upon shall relate only to the conditions specified under 1-4. It shall be the duty of these authorities on their own initiative to ascertain whether the said conditions are fulfilled. This examination shall be completed within two months at latest from the date on which the competent authority received the documents.

Article 3.

Judicial decisions pronounced in one of the Contracting States may be enforced in the other State, if they are enforceable in the State where they have been pronounced, and if they satisfy the conditions enumerated in Article 2, paragraphs 1-4.

The examination by the authorities of the State where enforcement is sought shall only deal with the conditions mentioned in the preceding paragraph. It shall be the duty of these authorities to ascertain whether the said conditions are fulfilled. This examination shall be terminated within two months at latest from the date on which the competent authority received the documents.

Article 4.

The party relying upon the decision or claiming its enforcement must produce :

(1) A duly authenticated copy of the decision.

(2) Such documents as may be required to prove that the decision has acquired the force of *res judicata* and, where necessary, has become enforceable.

(3) An authentic copy of the summons to the party who failed to appear, and a declaration to the effect that the summons reached him in good time.

(4) A translation of the documents enumerated above, duly certified in accordance with the regulations of either State ; in Czechoslovakia, the translation shall be submitted in the Czech language, and in Greece, in the Greek language.

Article 5.

Arbitral awards pronounced in one of the Contracting States, and having acquired there the same force as judicial decisions, shall be recognised and enforced in the other State if they satisfy the provisions of the preceding Articles, in so far as these are applicable.

The same shall apply in the case of compromises concluded before the judicial authorities, and before arbitrators or arbitral tribunals.

Article 6.

Jurisdiction and procedure with regard to enforcement shall be governed by the law of the State in which the enforcement is sought. This shall also apply to the measures provided in Articles 8-10.

Article 7.

The provisions of the present Convention shall apply irrespective of the nationality of the Parties.

Article 8.

The tribunal competent to authorise enforcement shall, at the request of the Party, allow the taking of precautionary measures, in conformity with its laws, to safeguard the rights arising out of the executing documents as against the debtor. The tribunal may rescind these measures later, in conformity with its laws.

Article 9.

Even before the decisions specified in Articles 1 and 5 have acquired the force of *res judicata*, or before the period laid down in the legal decision for fulfilment has expired, the tribunal competent to authorise enforcement shall be at liberty, upon request being made in the prescribed form, to allow conservatory measures to be taken in accordance with the provisions in force in the countries applied to.

Article 10.

Provisional measures shall be accorded before or during the proceedings, on the request of the Party whose interests are threatened, even if a tribunal of the other State is competent to decide in the matter in question.

Article 11.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Athens.

This Convention shall come into force one month after the exchange of ratifications, and shall remain valid for one year after denunciation, which may be effected at any time.

In faith whereof the Plenipotentiaries have signed the present Convention in two copies.

Done at Athens, April 7, 1927.

Dr. Emil SPIRA.
Dr. Karel HALFAR.
Georges LAGOUDAKIS.
P. RHALLIS.