

N° 2724.

**ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES**

Accord concernant l'exécution des
jugements. Signé à Rome, le
6 avril 1922.

**ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES**

Agreement concerning the Execution
of Judgments. Signed at Rome,
April 6, 1922.

TEXTE ITALIEN. — ITALIAN TEXT.

N° 2724. — ACCORD¹ ENTRE L'ITALIE ET LE ROYAUME DES SERBES, CROATES ET SLOVÈNES, CONCERNANT L'EXÉCUTION DES JUGEMENTS. SIGNÉ A ROME, LE 6 AVRIL 1922.

N° 2724. — ACCORDO¹ FRA L'ITALIA E IL REGNO SERBO-CROATO-SLOVENO PER L'ESECUTORIETA, DELLE SENTENZE, FIRMATO A ROMA, IL 6 APRILE, 1922.

Textes officiels français et italien communiqués par le délégué permanent du Royaume de Yougoslavie auprès de la Société des Nations et le ministre des Affaires étrangères d'Italie. L'enregistrement de cet accord a eu lieu le 10 juin 1931.

French and Italian official texts communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and the Italian Minister for Foreign Affairs. The registration of this Agreement took place June 10, 1931.

LE ROYAUME SERBE-CROATE-SLOVÈNE et L'ITALIE, désireux de régler les questions qui ont trait à l'exécution des jugements, etc., en matière civile et commerciale, voulant conclure un accord à cet effet, les Hautes Parties contractantes ont nommé pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DES SERBES, CROATES ET SLOVÈNES :

M. Ottokar RYBÁŘ, ancien député ;

SA MAJESTÉ LE ROI D'ITALIE :

S. E. le Marquis Guglielmo IMPERIALI, sénateur du Royaume, ambassadeur ;

Lesquels, ayant déposé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu de ce qui suit :

Article premier.

Les décisions rendues en matière civile ou commerciale par les autorités judiciaires de

L'ITALIA e IL REGNO SERBO-CROATO-SLOVENO, desiderosi di regolare le questioni che riguardano l'esecutorietà delle sentenze ecc., in materia civile et commerciale, volendo concludere un accordo a questo riguardo, le Alte Parti Contraenti hanno nominato come plenipotenziari :

SUA MAESTÀ IL RE D'ITALIA :

S. E. il Marchese Guglielmo IMPERIALI, Senatore del Regno, Ambasciatore ;

SUA MAESTÀ IL RE DEI SERBI, CROATI E SLOVENI :

il Signor Ottokar RYBÁŘ, ex deputato ;

I quali, dopo aver depositato i loro Pieni Poteri trovati in buona e debita forma hanno convenuto quanto segue :

Articolo primo.

Le decisioni pronunciate in materia civile o commerciale dalle Autorità giudiziarie di

¹ L'échange des ratifications a eu lieu à Rome, le 6 février 1931.

¹ The exchange of ratifications took place at Rome, February 6, 1931.

En foi de quoi les plénipotentiaires susnommés ont signé le présent accord.

Fait à Rome, le six avril mil neuf cent vingt-deux, en français et en italien, les deux textes faisant également foi, en deux exemplaires, dont un sera remis à chacun des États signataires.

*Pour le Royaume
des Serbes, Croates et Slovènes :*
Dr. RYBÁŘ, *m. p.*

Pour l'Italie :
IMPERIALI, *m. p.*

In fede di che i plenipotenziari suddetti hanno firmato il presente accordo.

Fatto a Roma, il 6 Aprile Millenovecentoventidue, in italiano e in francese, i due testi facendo egualmente fede, in due esemplari, uno dei quali sarà consegnato a ciascuno degli Stati Firmatari.

Per l'Italia :
IMPERIALI.

Il regno Serbo-Croato-Sloveno :
Dr. RYBÁŘ.

Pour copie certifiée conforme :

Belgrade, le 26 avril 1931.

*D'ordre du Ministre,
p. Chef de Section :*

Secrétaire,

Miloch. P. Kitchévatz.

Per copia conforme :

p. Il Capo dell' Ufficio Trattati,

P. Sandicchi.

¹ TRADUCTION. — TRANSLATION.

No. 2724. — AGREEMENT BETWEEN ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, CONCERNING THE EXECUTION OF JUDGMENTS. SIGNED AT ROME, APRIL 6, 1922.

THE SERB-CROAT-SLOVENE KINGDOM and ITALY being desirous of settling questions concerning the execution of judgments, etc., in civil and commercial matters, and wishing to conclude an Agreement for this purpose, the High Contracting Parties have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Ottokar RYBÁŘ, Former Deputy ;

HIS MAJESTY THE KING OF ITALY :

His Excellency the Marquis Guglielmo IMPERIALI, Senator, Ambassador ;

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.

Who, having deposited their full powers, found in good and due form, have agreed as follows :

Article 1.

Decisions pronounced in civil or commercial matters by the judicial authorities of either High Contracting Party shall have the force of *res judicata* in the territory of the other Party, subject to the following conditions :

1. That, under the regulations in force in the State in which the decision is to be executed, the judicial authorities of the State in which it was pronounced are competent to take cognisance of the case ;
2. That the decision has acquired the force of *res judicata* under the laws of the country in which it was pronounced ;
3. That in accordance with those laws the parties have been cited, represented, or declared to be in contempt of court according to legal procedure ;
4. That the decision does not conflict with any other decision given in a like case by the judicial authorities of the State in which it is to be executed ;
5. That it contains no clause contrary to public policy or to the internal public law of the country.

Article 2.

Judgments given by the judicial authorities of one of the High Contracting Parties shall be declared to be executory in the territory of the other Party upon movable and immovable property, or for the purpose of inscription in the public registers, provided that there has already been a preliminary enquiry to determine whether all the conditions laid down in Article 1 of the present Agreement are satisfied ; during such examination the merits of the case shall not be reconsidered.

Article 3.

If the defendant, having been condemned by default by the foreign judicial authority, does not appear at the preliminary enquiry and if the sub-pœna is not served on him in person or in some manner equally valid according to the law of the country, he may put in a plea against the decision making the foreign judgment executory.

Article 4.

In the preliminary enquiry the forms required by the law of the country in which execution is applied for shall be observed.

Article 5.

The rules laid down in the foregoing Articles shall be observed so far as they are applicable in matters concerning :

- (a) Measures with the force of executory orders, rendered by the civil judicial authorities ;
- (b) Awards by permanent courts of arbitration or by arbitrators appointed by a spacial agreement between the parties ;
- (c) Compromises made before the judicial authorities and notarial deeds to which an executory clause is attached.

Article 6.

The decision and deeds referred to in the foregoing Articles shall be submitted or forwarded in authentic copies, accompanied where necessary by documents certifying that the conditions laid down in Nos 2 and 3 of Article 1 have been satisfied, and by a certified translation in the language of the country in which the decision or deed is being executed, or in which execution is requested.

Transmission by the official channels defined in the Convention on legal assistance shall make legalisation entirely unnecessary.

Article 7.

Decisions given by the judicial authorities of one of the High Contracting Parties in favour of a party who has been granted the right to sue *in forma pauperis* shall be declared to be executory without charge in the territory of the other party, and the party applying for execution shall not be required again to obtain the right to sue *in forma pauperis* for this purpose.

Article 8.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

The Agreement shall not come into force until after the exchange of ratifications, and shall remain in force for six months following the date of its denunciation by either High Contracting Party.

In faith whereof the above-named Plenipotentiaries have signed the present Agreement.

Done at Rome, this sixth day of April one thousand nine hundred and twenty-two, in French and Italian, both texts being equally authentic, in two copies, one of which shall be transmitted to each of the signatory States.

For the Kingdom of the Serbs, Croats and Slovenes :

Dr. RYBÁŘ, *m. p.*

For Italy :

IMPERIALI, *m. p.*