

necessary, any person against whom such judgment is enforceable: and the words "judgment creditor" mean the person in whose favour the judgment was given and include, where necessary, any other person entitled to avail himself of the judgment.

ARTICLE 2.

§ 1. The High Contracting Parties agree that judgments pronounced after the date of the entry into force of the present Convention by a Superior Court in the territory of one High Contracting Party shall, whatever the nationality of the judgment creditor or debtor, be recognised and enforced in the territory of the other in the cases and upon the conditions laid down in Articles 3-8 of the present Convention.

§ 2. The provisions of the present Convention only apply to judgments in civil and commercial matters, including judgments for the payment of a sum of money as compensation upon the claim of an injured party appearing as "partie civile" in criminal proceedings.

§ 3. Nevertheless the provisions of the present Convention do not apply—

(a) To judgments given on appeal from inferior courts;

(b) To judgments given in matters of status or family law (including judgments in matrimonial causes or concerning the pecuniary relations between the spouses as such); to judgments in matters of succession or administration of estates of deceased persons; or judgments in bankruptcy proceedings or proceedings relating to the winding up of companies or other bodies corporate.

§ 4. It is understood that nothing in the present Convention shall be deemed to preclude the recognition and enforcement in the territory of one High Contracting Party, in accordance with the municipal law for the time being in force in the country concerned, of judgments pronounced by any court in the territory of the other High Contracting Party, being judgments to which the present Convention does not apply, or judgments given in circumstances where the provisions of the present Convention do not require such recognition or enforcement.

Chapter II.—Recognition.

ARTICLE 3.

§ 1. The judgments referred to in Article 2 pronounced by a court in the territory of one High Contracting Party, shall be recognised in the courts of the territory of the other in all cases where no objection to the judgment can be established on any of the grounds hereinafter enumerated; that is to say, unless—

(a) The jurisdiction of the original court is not recognised under the rules of Private International Law with regard to jurisdiction observed by the court applied to;

(b) The judgment was given by default and the judgment debtor satisfies the court applied to that the defendant in the proceedings before the original court did not actually acquire knowledge of the proceedings in sufficient time to act upon it, whether or not such notice was served in accordance with the law of the country of the original court;

(c) The judgment is one which, for reasons of public policy, cannot be recognised by the court applied to, including cases where the judgment—

(i) Is in respect of a cause of action which had already, as between the same parties, formed the subject of another judgment which is recognised under the law of the court applied to as final and conclusive;

(ii) Has, in the opinion of the court applied to, been obtained by the fraud of any of the parties;

(iii) Was given against a person, defendant in the proceedings before the original court who, in the opinion of the court applied to, under the rules of public international law was entitled to immunity from the jurisdiction of the original court;

(iv) Is sought to be enforced against a person who is entitled to immunity from the jurisdiction of the court applied to under the rules of public international law;

(d) The judgment debtor satisfies the court applied to that proceedings by way of appeal, opposition or setting aside have been instituted against the judgment in the country of the original court. It is understood that, if such proceedings have not been actually instituted, but the time for lodging an appeal, opposition or application to set aside has not expired under the law of the country of the original court, the court applied to may, if it thinks fit, adjourn its decision on the recognition of the judgment so as to allow the judgment debtor a reasonable opportunity of instituting such proceedings.

§ 2. It is understood that recognition shall not be refused merely on the ground that the original court has applied, in the choice of the system of law applicable to the case, rules of Private International Law different from those observed by the court applied to.

§ 3. For the purposes of the present convention, the recognition of a judgment means that such judgment shall be treated as conclusive as to the matter thereby adjudicated upon in any further action as between the parties (judgment creditor and judgment debtor) and as to such matter shall constitute a defence in a further action between them in respect of the same cause of action.

ARTICLE 4.

§ 1. Notwithstanding the provisions of Article 3, § 1 (a), and without prejudice to the provisions of paragraphs 2 and 3 of this article, the original court shall be recognised as possessing jurisdiction in all cases—

(a) Where the judgment debtor was in respect of the matter which is the subject of the judgment a plaintiff (including a plaintiff by intervention) or counter claimant in the proceedings in the original court;

(b) Where the judgment debtor, being a defendant in the proceedings in the original court, submitted to the jurisdiction by voluntarily appearing in the proceedings. It is understood that the expression "voluntarily appearing in the proceedings" does