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No. 6356

**BELGIUM
and
SWITZERLAND**

**Convention concerning the recognition and enforcement of
judicial decisions and arbitral awards. Signed at
Berne, on 29 April 1959**

Official text: French.

Registered by Belgium on 23 October 1962.

**BELGIQUE
et
SUISSE**

**Convention sur la reconnaissance et l'exécution de décisions
judiciaires et de sentences arbitrales. Signée à Berne,
le 29 avril 1959**

Texte officiel français.

Enregistrée par la Belgique le 23 octobre 1962.

[TRANSLATION — TRADUCTION]

No. 6356. CONVENTION¹ BETWEEN BELGIUM AND SWITZERLAND CONCERNING THE RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS AND ARBITRAL AWARDS. SIGNED AT BERNE, ON 29 APRIL 1959

His Majesty the King of the Belgians and
The Swiss Federal Council,

Desiring to regulate relations between the two countries in the matter of the recognition and enforcement of judicial decisions and arbitral awards, have resolved to conclude a convention on the subject and for this purpose have appointed as their Plenipotentiaries :

His Majesty the King of the Belgians :

Mr. Fernand Seynaeve, Ambassador Extraordinary and Plenipotentiary to Switzerland;

The Swiss Federal Council :

Mr. Max Petitpierre, Federal Counsellor, Chief of the Federal Political Department;

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

Article 1

1. The authority of judicial decisions made in civil and commercial matters in one of the two States, even if made by a criminal court, shall be recognized in the other State if they satisfy the following conditions :

- (a) that recognition of the decision is not incompatible with the public policy of the State in which it is applied for;
- (b) that the decision was made by a court having jurisdiction under article 2;
- (c) that, under the laws of the State in which the decision was made, ordinary remedies are no longer available against it;
- (d) that, in the case of a decision by default, the notice of proceedings or the summons was served on the defendant in accordance with the laws of the State in which the decision was made and the conventions, if any, in force between the two countries, and that it reached him in due time.

¹ Came into force on 15 October 1962, two months after the date of the exchange of the instruments of ratification which took place at Brussels on 14 August 1962, in accordance with article 14.

2. Decisions ordering sequestration or any other provisional or protective measure and decisions relating to bankruptcy or composition shall not be recognizable or enforceable under the terms of this Convention.

3. For the purposes of this Convention, the decisions of administrative authorities responsible in Switzerland for arranging and supervising guardianship shall be deemed to be judicial decisions.

Article 2

1. The courts of the State in which the decision was made shall be deemed to have jurisdiction with the meaning of article 1, paragraph 1 (b) in the following cases :

- (a) where, on the date of the institution of proceedings, the defendant had his domicile in the State in which the decision was made or where, not having his domicile in either of the two States, he had his habitual residence in the State in which the decision was made;
- (b) where the defendant has agreed to accept the jurisdiction of the court which ruled on the merits of the case, provided that such an agreement shall not be deemed to exist unless, at the least, one of the parties has made a declaration in writing to that effect which was accepted by the other party or, in the case of an oral agreement, unless it was confirmed in writing by one of the parties and not refuted by the other party;
- (c) where the defendant has entered a defence on the merits without contesting the jurisdiction, under the terms of this Convention, of the courts of the State in which the decision was made;
- (d) where, in the case of a counter-claim to the principal claim, the court which made the decision was competent, under the terms of this Convention, to rule on the principal claim;
- (e) where the defendant, having a commercial or industrial establishment, a branch establishment or an agency in the State in which the decision was made, was summoned there in any action arising out of the operation of such establishment or agency;
- (f) where the decision relates to compensation for damages arising out of accidents caused by the use of road vehicles in the State in which the decision was made;
- (g) where the decision was made by a court deemed to have jurisdiction under the terms of an international convention which does not itself contain provisions relating to recognition and enforcement;
- (h) where the subject of the proceedings was a right *in rem* in respect of immovable property situated in the State in which the decision was made;
- (i) in matters of status, legal capacity or family rights concerning nationals of the State in which the decision was made;