

No. 6883

**NETHERLANDS
and
ITALY**

**Convention on the recognition and enforcement of judicial
decisions in civil and commercial matters (with Protocol
of signature). Signed at Rome, on 17 April 1959**

Official text: French.

Registered by the Netherlands on 26 August 1963.

**PAYS-BAS
et
ITALIE**

**Convention sur la reconnaissance et l'exécution des déci-
sions judiciaires en matière civile et commerciale (avec
Protocole de signature). Signée à Rome, le 17 avril 1959**

Texte officiel français.

Enregistrée par les Pays-Bas le 26 août 1963.

[TRANSLATION — TRADUCTION]

No. 6883. CONVENTION¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE ITALIAN REPUBLIC ON THE RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT ROME, ON 17 APRIL 1959

Her Majesty the Queen of the Netherlands and the President of the Italian Republic, wishing to regulate relations between the two countries with respect to the recognition and enforcement of judicial decisions in civil and commercial matters, have resolved to conclude a Convention for this purpose and have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

Mr. Willem Lodewijk Frederik van Bylandt, Ambassador of the Netherlands to Italy ;

The President of the Italian Republic :

Mr. Giuseppe Pella, Minister for Foreign Affairs,

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

Article 1

Decisions rendered in civil and commercial matters by the courts of one of the two States shall have the force of *res judicata* in the other State if they satisfy the following conditions :

(1) That the decision was rendered by a court having jurisdiction under article 2 of this Convention ;

(2) That recognition of the decision is not contrary to the public policy or principles of public law of the State in which the decision is invoked ;

(3) That the decision does not conflict with a decision already rendered on the same case by a court of the State applied to ;

(4) That the decision has acquired the force of *res judicata* under the laws of the State in which it was rendered ;

(5) That, in the event of a judgement by default, the summons giving notice of the proceedings was served on the defaulting party in good time.

¹ Came into force on 18 May 1963, one month after the exchange of the instruments of ratification which took place at The Hague on 18 April 1963, in accordance with article 16.

Any party concerned may apply for recognition that a decision has the force of *res judicata* in accordance with the rules of procedure obtaining in the State applied to.

Article 2

The courts of the State where the decision was rendered shall be deemed to have jurisdiction within the meaning of article 1, sub-paragraph 1, if another convention between the High Contracting Parties so provides or in the following circumstances :

(1) If the defendant, or, where there were several defendants in the same case, one of the defendants, had his domicile in the State where the decision was rendered ;

(2) If the defendant had agreed in writing to accept in specified cases the jurisdiction of the court which rendered the decision, unless all the parties had their domicile in the State where the decision is invoked or the dispute concerns the possession or ownership of immovable property situated in a State other than that in which the decision was rendered, or direct rights in such property.

The situation shall be the same if the defendant has, without reservation, raised the substance of the dispute ;

(3) If the defendant had a commercial or industrial establishment or branch establishment in the State where the decision was rendered and was summoned there in an action relating to the business of the establishment or branch establishment ;

(4) If, jurisdiction being recognized with respect to the principal claim, there is a subsidiary claim, a claim for the performance of a guarantee or a counter-claim connected with the principal claim or with the defence put forward against it ;

(5) In all matters relating to the status, legal capacity or family rights of nationals of the State in which the decision was rendered ;

(6) If the proceedings relate to the possession or ownership of immovable property situated in the State where the decision was rendered, or to a direct right in such property ;

(7) In matters of inheritance, if the deceased had his domicile in the State where the decision was rendered, irrespective of whether the estate comprises movable or immovable property :

(a) in actions claiming the rights of an heir, actions for partition and all other actions between joint heirs, until partition ;

(b) in actions for avoidance or rescission of a partition and actions for the guarantee of shares, until two years from the date of partition ;