

No. 9347

**ISRAEL
and
AUSTRIA**

Convention concerning the reciprocal recognition and enforcement of judicial decisions in civil and commercial matters. Signed at Jerusalem, on 6 June 1966

Official text: French.

Registered by Israel on 16 December 1968.

**ISRAËL
et
AUTRICHE**

Convention sur la reconnaissance et l'exécution réciproques des décisions judiciaires en matière civile et commerciale. Signée à Jérusalem, le 6 juin 1966

Texte officiel français.

Enregistrée par Israël le 16 décembre 1968.

[TRANSLATION — TRADUCTION]

No. 9347. CONVENTION¹ BETWEEN THE STATE OF ISRAEL AND THE REPUBLIC OF AUSTRIA CONCERNING THE RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT JERUSALEM, ON 6 JUNE 1966

The State of Israel and the Republic of Austria, desiring to ensure the reciprocal recognition and enforcement of judicial decisions rendered in civil and commercial matters, have agreed as follows :

Article 1

(1) This Convention shall apply to decisions rendered in civil or commercial matters by the courts of either Contracting State.

(2) However, this Convention shall not apply :

- (a) to decisions in matters relating to personal status or capacity, family law, including personal relations between parents and children and between spouses, or those deriving from the marriage settlement;
- (b) to decisions rendered in matters relating to succession;
- (c) to decisions rendered in matters relating to bankruptcy, composition or similar proceedings, including decisions rendered pursuant to these proceedings and relating to the validity of instruments in respect of creditors.

(3) Notwithstanding the provisions of paragraph (2), this Convention shall apply to decisions in matters relating to maintenance obligations.

Article 2

(1) This Convention shall apply to any decision in contentious or non-contentious matters rendered by a judicial authority, regardless of the designation given to the decision, even where the decision has been rendered in criminal proceedings.

(2) However, it shall not apply to decisions in so far as they order provisional measures or measures of conservation.

¹ Came into force on 25 October 1968, on the sixtieth day following the exchange of the instruments of ratification which took place at Vienna on 26 August 1968, in accordance with the provisions of article 16.

Article 3

This Convention shall apply irrespective of the nationality of the parties.

Article 4

A decision rendered in either Contracting State must be recognized or enforced in the other State, provided that the following conditions are met :

- (a) that it was rendered by a court deemed competent for the purposes of this Convention;
- (b) that it is no longer appealable and, where appropriate, that it is enforceable in the State in which it was rendered. Decisions in matters relating to maintenance obligations shall, however, be enforceable notwithstanding appeal;
- (c) in the case of a decision rendered by default, that notice of the summons or order instituting proceedings has been duly served in accordance with the law of the State in which it was rendered.

Article 5

Recognition or enforcement of a decision may, nevertheless, be refused in any of the following cases :

- 1. where recognition or enforcement of the decision proves to be incompatible with the public policy of the State applied to;
- 2. where recognition or enforcement of the decision is liable to prejudice the sovereignty or security of the State applied to;
- 3. where an identical action, relating to the same matter and based on the same cause, is pending, between the same parties, in a court of the State applied to, such court having taken cognizance of the action first;
- 4. where the judgement debtor, being a defendant in the proceedings, was a person who, under public international law, was entitled to immunity from the jurisdiction of the original court and did not submit to the jurisdiction of that court, or where the judgment is sought to be enforced against a person who, under public international law, is entitled to immunity from the jurisdiction of the court applied to;
- 5. where the defendant satisfies the court applied to that the decision is the result of fraud;
- 6. where the decision was rendered by default and the defaulting party satisfies the court applied to that, through no fault of his own, he did not acquire knowledge of the summons or order instituting proceedings in sufficiently reasonable time to enable him to defend;
- 7. where the defendant satisfies the court applied to that he was not given a fair chance to present his arguments or evidence.