

No. 27183

**GREECE
and
FEDERAL REPUBLIC OF GERMANY**

Convention concerning the reciprocal recognition and enforcement of judicial decisions, settlements and public documents in civil and commercial matters. Signed at Athens on 4 November 1961

Authentic texts: Greek and German.

Registered by Greece on 2 April 1990.

**GRÈCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Convention relative à la reconnaissance réciproque et à l'exécution des décisions et transactions judiciaires et des actes publics en matière civile et commerciale. Signée à Athènes le 4 novembre 1961

Textes authentiques : grec et allemand.

Enregistrée par la Grèce le 2 avril 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF GREECE AND THE
FEDERAL REPUBLIC OF GERMANY CONCERNING THE RE-
CIPROCAL RECOGNITION AND ENFORCEMENT OF JUDI-
CIAL DECISIONS, SETTLEMENTS AND PUBLIC DOCUMENTS
IN CIVIL AND COMMERCIAL MATTERS

His Majesty the King of the Hellenes and the President of the Federal Republic of Germany,

Desiring to regulate the reciprocal recognition and enforcement of judicial decisions, settlements and public documents in civil and commercial matters, have decided to conclude a convention and have appointed as their plenipotentiaries:

His Majesty the King of the Hellenes: His Excellency Mr. Christian Xanthopoulos Palamas, Ambassador, Director-General of the Greek Ministry of Foreign Affairs; and

Mr. Charalambos Pagoulatos, former Secretary-General of the Greek Ministry of Justice, attorney in the Supreme Court of Appeal;

The President of the Federal Republic of Germany: His Excellency Dr. Gebhard Seelos, Ambassador of the Federal Republic of Germany in Athens; and

Professor Arthur Bülow, Assistant Secretary in the Federal Ministry of Justice, who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

PART ONE

RECOGNITION OF JUDICIAL DECISIONS

Article 1

1. Decisions rendered in civil or commercial matters by the courts of one of the States by which the rights of the parties are decided finally in contentious or non-contentious proceedings shall be recognized in the other State even if they are still subject to appeal. Decisions rendered in criminal proceedings on rights arising from a legal relationship under civil or commercial law shall also be treated as decisions rendered in civil or commercial matters.

2. For the purposes of recognition, it shall be of no account whether the decision is designated as a decision, judgment, writ of execution or otherwise.

Article 2

Decisions rendered in matrimonial and family matters by the courts of one of the States shall be recognized in the other State if the parties are nationals of the

¹ Came into force on 18 September 1963, i.e., one month after the exchange of the instruments of ratification, which took place at Bonn on 17 August 1963, in accordance with article 24 (2).

Contracting Parties and were customarily resident in the State in which the decision was rendered.

Article 3

Recognition may be refused only:

1. If it is in conflict with the public policy of the State in which it is being sought. Such conflict shall also be deemed to exist where the decision concerns a right which, at the time when the decision was rendered, was the subject, in the State in which recognition of the decision is being sought and between the same parties, of a decision which, according to the legislation of that State, is considered final; or

2. If the defendant has not participated in the proceedings:

(a) In cases where the summons or judicial act instituting the proceedings was not served on him in accordance with the legislation of the State in which the decision was rendered; or

(b) In cases where he proves that he was not able to acquire knowledge of the summons or judicial act in sufficient time to be able to participate in the proceedings; or

3. If, according to the legislation of the State in which recognition of the decision is being sought, the courts of that State alone were by law competent; or

4. If the court which rendered the decision was competent solely by reason of its being the *forum rei sitae* and the defendant either:

(a) Did not participate in the proceedings, or

(b) Declared, before joining issue, that he was participating in the proceedings solely in respect of property situated in the State of the court to which recourse has been had.

Article 4

1. Recognition shall not be refused solely on the ground that the court which rendered the decision applied, in accordance with the rules of its own private international law, laws other than those which would have been applicable under the private international law of the State in which recognition of the decision is being sought.

2. Recognition may, however, be refused on the ground referred to in paragraph 1 above if the decision concerns a relationship under family law or the law of succession, legal capacity or the capacity for performing legal acts, legal representation, or presumption of death or a declaration of death in respect of a national of the State in which recognition of the decision is being sought, unless it would also be justified by application of the private international law of the State in which such recognition is being sought.

Article 5

1. A decision rendered in one of the States for which recognition is being sought in the other State may be examined only with respect to whether there exist any of the reasons for refusal referred to in article 3 or in article 4, paragraph 2. In no case shall it be examined from the point of view of its legality (with respect to the merits).