

No. 32499

**BRAZIL
and
ITALY**

Treaty on judicial cooperation and the recognition and enforcement of sentences in civil matters. Signed at Rome on 17 October 1989

Authentic texts: Portuguese and Italian.

Registered by Brazil on 1 February 1996.

**BRÉSIL
et
ITALIE**

Traité relatif à l'entraide judiciaire et à la reconnaissance et exécution des décisions de justice en matière civile. Signé à Rome le 17 octobre 1989

Textes authentiques : portugais et italien.

Enregistrée par le Brésil le 1^{er} février 1996.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL
AND THE ITALIAN REPUBLIC ON JUDICIAL COOPERATION
AND THE RECOGNITION AND ENFORCEMENT OF SEN-
TENCES IN CIVIL MATTERS

The Federative Republic of Brazil and the Italian Republic (hereinafter referred to as the “Parties”),

Wishing to strengthen their relations in the field of judicial cooperation,

Have agreed as follows:

CHAPTER I. PURPOSE OF THE TREATY

Article 1. SCOPE

1. The provisions of this Treaty shall apply to all civil matters, including those relating to commercial, family and labour law.

2. Each of the Parties shall cooperate with the other, upon request and in the manner stipulated in this Treaty, in carrying out judicial actions and procedures, particularly in serving judicial documents, obtaining and submitting evidence, seeking expert opinions, hearing the parties to proceedings and witnesses, and transmitting the corresponding documents.

3. Each of the Parties shall recognize and declare enforceable, as stipulated in this Treaty, sentences passed by the judicial authority of the other Party in civil matters, as well as the provisions of criminal sentences concerning compensation for damages and restitution of property.

4. Each Party may request the other Party to provide information concerning its laws, regulations and case law.

*Article 2. REFUSAL TO COOPERATE OR TO RECOGNIZE
OR ENFORCE SENTENCES*

Judicial cooperation and the recognition and enforcement of decisions and sentences shall be denied if they are contrary to the public policy of the requested Party.

CHAPTER II. GENERAL PROVISIONS

Article 3. AUTHORITY

1. For the purposes of this Treaty, “judicial authority” shall mean any authority of the Parties which is competent, under the law of its own State, to carry out the procedures envisaged in this Treaty.

¹ Came into force on 1 July 1995, i.e., the first day of the second month following the month of the exchange of the instruments of ratification, which took place at Brasília, in accordance with article 22 (2).

2. For the purposes of this Treaty, the central authority of the Federative Republic of Brazil shall be the Brazilian Ministry of Justice, and that of the Italian Republic shall be the Italian Ministry of Justice.

Article 4. METHOD OF COMMUNICATION

1. The Parties shall transmit the communications and documentation provided for in this Treaty through their central authorities, unless expressly stipulated otherwise in this Treaty.

2. Transmission through the diplomatic channel shall also be permissible.

Article 5. LEGAL PROTECTION

1. Nationals of either Party shall enjoy in the territory of the other Party, in respect of their persons and property, the same rights and the same legal protection as nationals of that other Party.

2. Nationals of either Party shall have access to the judicial authorities of the other Party, under the same conditions as nationals of that other Party, in order to guarantee and defend their rights and interests.

Article 6. LEGAL ENTITIES

The provisions of this Treaty shall also apply, where appropriate, to legal entities constituted in accordance with the legislation of one of the Parties.

Article 7. LANGUAGES

1. Requests for judicial cooperation and supporting documents shall be written in the language of the requesting Party and accompanied by an official translation into the language of the requested Party.

2. Documents relating to the execution of a letter rogatory shall be transmitted to the requesting Party in the language of the requested Party.

3. Requests for information concerning legislation and case law shall be written in the language of the requested Party, and replies shall be transmitted in that same language.

Article 8. COSTS

The costs of cooperation shall not be reimbursed. However, the requested Party shall be entitled to reimbursement of any expenses incurred in respect of experts, witnesses and interpreters and in connection with the execution of letters rogatory according to the special instructions referred to in article 15, paragraph 1, of this Treaty.

*Article 9. EXEMPTION FROM THE DEPOSIT
OF SECURITY FOR COSTS (CAUTIO JUDICATUM SOLVI)*

1. Nationals resident or domiciled in the territory of one of the Parties and appearing before the judicial authorities of the other Party as accused or as parties to proceedings shall not be required to pay any security with respect to the costs