

Enforcement of Foreign Judgments

Fundamental Principles [Egypt]

2020



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I. RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION (CIVIL AND COMMERCIAL MATTERS)

A. Ability to Apply for Recognition and Enforcement of a Court Judgment

1. Is it possible to apply for enforcement of a foreign court judgment in your country?

Answer: Yes.

B. Applicable Law: General Rules

1. Which laws are generally applicable to the enforcement of a foreign court judgment in your country?

Answer: The Code of Civil Procedure No. 13 of 1968, articles No. 296 to 301.

C. Special Rules: European Union

1. Are there any special rules regarding the enforcement of a foreign court judgment in your country?

Answer: N/A

2. Does the European Union have a special procedure to enforce court judgments coming from its member states?

Answer: N/A

D. Average Duration of Enforcement Procedure

1. What is the average length of time for this kind of procedure?

Answer: Ten months.

II. Denial of Recognition and Enforcement of a Foreign Court Judgment: Reasons

- A. Can a Court in your country deny recognition and enforcement of a foreign court judgment? If YES: what kind of reasons may justify denial?**

Answer: Yes.

1. If the country that issued the foreign judgment does not allow the enforcement of a judgment issued by the Egyptian court (the principle of reciprocity).
2. The exclusive jurisdiction of the Egyptian judiciary in accordance with the Egyptian law on the subject of the dispute.

3. Lack of jurisdiction of the court that rendered the judgment in accordance with the rules of international jurisdiction of the law of its country.
4. In the event that the incorrect judicial declaration or incorrect representation of the litigants in the lawsuit requesting the enforcement of its judgment, in accordance with the law of the judgment country.
5. If the judgment is not final in accordance to the laws and provisions of the country that issued the judgment.
6. If the foreign judgment contradicts with an Egyptian judgment.
7. If the foreign judgement is contrary to the public policy in the Arab Republic of Egypt.

B. Costs and expenses

1. **What kind of cost and expenses can a claimant expect in this enforcement procedure?**

Answer:

1. Attorney fees.
2. Governmental procedural fees.

III. FORMAL REQUIREMENTS

A. Time limit

1. **Is there a time limit to apply for enforcement of a foreign court judgment?**

Answer: It depends on the laws and provisions of the country that issued the judgment, as long as the judgment is in effect, it can be implemented in Egypt.

B. Final and Definitive Court Judgment: Provisional Enforcement

1. **Is it mandatory for the judgment to be a final and definitive court judgment?
If NO: Are there any special requirements to provisionally enforce a court judgment which is not final and definitive?**

Answer: Yes.

C. Necessary Requirements

1. What necessary requirements must the foreign court judgment fulfill to be recognised and enforced?

Answer:

1. The judgment has to be issued in a country that recognizes and enforces judgments by Egyptian courts.
2. The foreign court has to have exclusive jurisdiction over the dispute (to the exclusion of Egyptian courts' jurisdiction).
3. Due process has been observed and the defendant has been duly represented and notified.
4. If the judgment must be final in accordance to the laws and provisions of the country that issued the judgment.
5. If the foreign judgment must not contradict with a judgment issued by an Egyptian court.
6. If the foreign judgement is not contrary to the public policy in the Arab Republic of Egypt.

D. Other Formal Requirements: Court Fees

1. Is it mandatory to pay court fees for this kind of application?

Answer: Yes.

E. Are there any other formal requirements in your country to enforce a court judgment?

Answer: Yes, it has to be legalized by an Egyptian consulate and an official Arabic translation needs to be supplied to the court along with evidence of finality of the judgment.

IV. PROCEDURE

A. Competent court

1. Which court or courts are competent to decide an enforcement application?

Answer:The competent court is the court of first of instance of the enforcement territory or state.

B. Informational Requirements for the Application to Enforce a Foreign Court Judgment

- 1. What information must be contained in the enforcement application of a foreign court judgment?**

Answer:

1. Name and chosen domicile of the plaintiff.
2. Defendant's name and address.
3. Summary of the merits of the case.

C. What documents must be included with/attached to the application to enforce a foreign court judgment?

Answer:

1. Official copy of the judgment, and the ratification of the foreign judgment in diplomatic representations and evidence of finality.
2. Official translation of foreign judgment and all documents into Arabic language.
3. Power of attorney from the applicant to the lawyers.

D. Phases of the Procedure

- 1. What are the phases of the procedure to enforce a foreign court judgment?**

Answer:

1. The application is submitted to the primary court where enforcement is sought.
2. The court itself verifies the requirements indicated.
3. The court issues its order to enforce the judgment.

E. Opposition of the Defendant

- 1. Can a defendant oppose to this enforcement application?**

Answer: Yes.

- 2. Are there a limited number of reasons for the defendant to oppose to the enforcement of the court judgment? If YES: what are those reasons?**

Answer: Yes, In case of any of the following cases:

1. If the country that issued the foreign judgment does not allow the enforcement of the judgment issued by the Egyptian court (the principle of reciprocity).
2. The exclusive jurisdiction of the Egyptian judiciary in accordance with the Egyptian law on the subject of the dispute.
3. Lack of jurisdiction of the court that rendered the judgment in accordance with the rules of international jurisdiction of the law of its country
4. In the event that the inadequate judicial notification or incorrect representation of the litigants in the lawsuit requesting the enforcement of its judgment, in accordance with the law of the judgment country.
5. If the judgment is not final in accordance to the laws and provisions of the country that issued the judgment.
6. If the foreign judgment contradicts with an Egyptian judgment.
7. If the foreign judgement is contrary to the public policy in the Arab Republic of Egypt.

F. Appeal and its Consequences in this Procedure

1. **Is it possible to appeal a court decision to recognise and enforce a foreign court decision?**

Answer: Yes.

2. **Can this appeal suspend the enforcement?**

Answer: Yes.

G. Recovery of judicial costs and expenses

1. **Are there any rules concerning recovery of the judicial costs incurred as a result of the enforcement application?**

Answer: No.

V. RECOVERY OF THE DEBT

A. Means of Enforcement

1. **What types of assets are subject to enforcement of the court's judgment?**

Answer:

1. Real estate.
2. Movable assets.

3. Bank accounts.
4. Shares, stocks and bonds.
5. Salary within the limits permitted by law.
6. Specific performances (e.g., restricting a right to use a trademark, not recognizing a person as a reseller or agent)

VI. OTHER ISSUES OF INTEREST IN YOUR JURISDICTION

A. Any other issues of interest in your jurisdiction

Answer: No.

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